Columbia University Libraries, SIU Film # 5--Manuscript notes in summation of the trial of the accused murderers (Levi Williams and others) of Joseph and Hiram Smith, written down by A. Wheat, lawyer of Quincy, Ill.

Mr. Warren rose and said: (for the defendants)

Says "If these men are guilty, then are every man, woman and child in the county guilty. The same evidence that has been given against the defts could have been given against hundreds of others." Says "Where is the light by which you trace these men to the Carthage jail that day, nowhere unless it is by Daniels light.

What did Sharp say, why 'The Smiths are no more.' Who has not said that. Is Sharp to be convicted because he said it.

Tell me who suggested the murder of the Smiths." Says because these men spoke their grievances on the day the Smiths were killed, you are asked to believe they did it. . . . .What is the law. It is based upon public opinion, and is worth nothing without it. What are you to try-Whether these defendents-did or did not kill Smith. If you find that they did not shoot the gun you must acquit them. Says Blackenbury said that xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxe the object in going to C was to take the Smiths out of jail back to Mo and have him attending to the legal consequences that them -----------? Says it is true that something was said about blowing the jail to the devil, but says if some had this objective others had a more laudable one, and defendants were among these. Insists the only evidence to support conviction is from the 3 Mormons--so this would prejudice the jury right there.

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film has typed copy

Trial of the Persons Indicted in Hancock Circuit Court, For the Murder of Joseph Smith, at the Carthage Jail, on the 27th of June, 1844. (a notes

1--Those indicted were, at October term, were Levi Williams, Mark Aldrich, Jacob C. Davis,* Wm. N Grover, Thos. C. Sharp, John Wills, William Voorhes, and also one Allen, and one Gahhaher. Apparently trial held on Monday, May 19, 1845. postponed two days, however, first witness examined of the 24th

2--Jonas Hobart testified, says J.S. shot in right breast, a mortal wound, in left shoulder, and in abdomen, says saw as many as 150 at jail, but saw none of the defendents there. Said thirty guns fired, crowed went west after killing.

3--John Peyton heard Sharp when troops were discharged say that Mormons would elect the county officers and by that means select their own jury, did not say anything about killing Joe Smith, says saw all of defendents go toward Carthage but Davis, says Aldrich, he thinks, had called for volunteers to go there, says 100 started, sharp and Williams were on horse back "Aldrich said something to the effect that the Mormons had every thing in their own hands and it was tine to do something to redress our grievances. Says Sharp spoke of grievances, "and said the Governor says what you do you must do quickly." (this before they startedfor Carthage.) Says Warsaw is west of Carthage.

3--George Walker said Williams came up to the company and said Governor Ford had done all the law authorized him to do. Said someting about coming to /4/ Carthage. There was a call made for voluteers--don't know who by or whether any of the Defendants were then present. Says Davis said he was going home, wanted nothing to do with killing men confined in prison.

4--Franklin A. Worrell said the mob came from Nauvoo, not Warsaw, claims he was one of guards, says he saw none of defendents. "saw Smith when he was killed"

Baldwin L. Samuels, did not see killing, but saw Sharp, Aldrich and Williams in town that day.

5--Eli H. Williams sworn, lives in Carthage, was a Grey, says he saw Williams and Aldrich a minute before firing commenced, saw Sharp but a short time before, /6/ but says do not knw any of the men at the killing.

6--William Mr. Daniels said he was at Warsaw at noon, heard Sharp speak of necessity to kill Smiths, in order to get rid of the Mormons, wanted troops to march through Carthage, Davis would not, they called him a coward, said they would never elect him to any thing again. Daniels says he saw Williams and Grover at jail, suggests Williams led the charge, but did not see Sharp, says he himself was there fifteen minutes before the mob came.

8--Daniels says he did not write the little book that has his name to it, it was written by Lyman O. Littlefield. Says he saw a light--"suppose it will astonish some--a short light, right at the bodies. It is reported differently in the book. Possible it might have been the reflection from the muskets. I was some excited. Was not a Mormon, but am now, live in Nauvoo

8--Says the night before he heard the officers talk of killing the Smiths, --Grover, Aldrich, Davis and Williams.

9--he indicates that Sharp said if Smiths killed while Tom Ford there Mormons will kill him "and we would get rid of both Mormons and the Governor too."

11--says he saw Wills with his arm shot as he came from jail, says Wills said he did not care, as he shot Hyram.--this a quote from pamphlet which Daniels now says was added by Littlefield, but says he did see Wills with bloody arm, saw Voorhes too, with wound in shoulder, says thinks he shot Smith (which one?) Says Col Williams gave order to shoot, adds that he was sat up on south side of well curb, four shot him them, not sure he was dead yet. /12/ says Voorhes shot at him

18--Eliza Jane Graham says she was at Warsaw House, and near dark Sharp cme in and said "we have finished the leading men of the Mormon church."

At midnight they prepared supper for twenty men, then twenty more, about sixty in all, says she saw two wounded men /19/ Davis said they had finished the men. Grover said he had killed old Joe.

She says the wounded man was Voorhes, William. "I heard Mr. Sharp make threat to kill the Smiths and drive the Mormons the day they were killed. I heard him in the Bar room and street. He xxx in one room and I in the other. . . . "Said after he got in the carriage he would kill Joe Smith." She says it is about 18miles from Warsaw to Carthage.
20--She says perhaps half the men there said they had killed the Smiths.
21--this girl a Mormon,
22xx--Benjamin Brackenbury, who says he was with troops from Warsaw to Carthage said when Grover came to woods after killing he said he had killed Smith--"that he was a damned stout man--that he had struck him twice in the face" Said he was the first man in the house. But also says heard none of defendants make a speech at R.S.
23--he tells tale of someone he was told was a Grey telling the troops that the governor was gone, now was good time.
25--denied now thathe had told grand jury he heard Williams give order to fire.
29-30--George McLane testified Daniesl had toldhim he knew nothihg about death of Smiths, says Daniels told him he was in Augusta when the Smiths were killed.
28--Thomas L. English testified to same effect, Daniels had told him he knew nothing about killing.
27--Yet Derrick Fuller for defense said Daniels had told him the story as Daniels told it in court "his statement to me generally was about the same as in Court." on same page Larkin Scott testified too that Daniels had repated some of the story to him late, apparently the night of the murder of soon after.
31--E.W. Gould testified, contradicted some of details of Graham story, "think I should have seen Grover and Davis if they had beenthere, but confirms the extra supper from nine to eleven at Flemings.

32 - Nonetheless - not guilty on J.S murder - over

32- Mrs Ann Fleming testified she did not see Grover or Davis, though they might have been there

History 50 11:00 case given to jury at 12 M,

1. Two major weaknesses of the Spanish empire. at two that afternoon - not guilty.

2. Three major rivals for power in the New world from 1600 to 1700.

4. Four unique qualities of the English "constitution."

5. Puritan dictator of England from 1649-60.

6. List two major events in Virginia in 1619.

7. Two Indians wars in New England 1637-1675.

8. Three provisions of the New England Corfederation.

The Clerk of the Hancock Circuit Court will issue subpoenas for the persons named below as witnesses in the case of the People vs. Levi Willings & al — for the murder of Heyrdon Smith — Perry Baker, Joseph Woodruff, F J Havens, G G Harris, Joel Weston, C C Stephens, Truman Hosford, William Ayers, Calvin Cole, Jeremiah Smith, Christopher Stephens, John Flattery, L B Woodard, W B Shipley, Lafaette Smith, George Rockwell, James H Wood, Harrison P Crawford, Harrison Crawford, John K Williams, Simion Pennock, William A Patterson, James Gray, John Lawton, Clayborn Wilson, H Hosford, DeFoe, Richd. Mockby, G W Brown, Thomas Fleming, Homer Catlin, John Woodard,

5th June 1845

J Lawton,
Atty for the State.

Page 14 -- Robert Miller, Non-Mormon County Commissioner

Gregg, Prophet of Palmyra, page 176-77, states that the anti-Mormon party was organized June 28, 1841, and that they elected a County Commissioner and a School Commissioner. The County Commissioner elected in 1841, as shown in Gregg, History of Hancock County, page 449, was Robert Miller. Hence, Miller may be listed as an anti-Mormon.

Page 14 --

George W. ~~Steele~~ Stigal was not a Mormon.

Greg, History of Hancock County, Page 449, shows the 1840 to 1843 election results.

Page 17 --

The Spring 1971 issue of the Journal of the Illinois State Historical Society, page 47, states that James W. Singleton of Mount Sterling was a Brigadier General of the Illinois Militia in 1844 and was in command of the force at Carthage. Miner R. Deming was the Commander of the Hancock County Militia at this time.

McConnell was paid $175.00 for his services. Governor Ford later observed that "Mr. McConn ell was employed for several weeks in hunting up testimony against the murderers, and in procuring indictments, at one term . . . ."

Source: Report of the Select Committee Relative to the Sinking Fund, Illinois Legislature, House of Representatives Assembly, First Session (March 1, 1847) pages 7 to 8.

Page 33

Greg, page 411, has a biography on Jesse P. Thomas.

Page 35 -- Volume 9, No. 1 (1916) of the Journal of the Illinois State Historical Society contains a biography of E. D. Baker.

At the preliminary examination in Quincey in September or October 1844, involving Williams and Sharp, the prosecution was represented by A. T. Bledsoe and Thomas Campbell, who were each paid $100 for their services (source cited below, page 5). In justifying these payments to a select committee of the legislature, which was investigating the expenditure of contingency funds for the years 1845 and 1846, and who had questioned why Thomas Campbell, the secretary of state at this time, had been paid extra funds and why the states attorney had not taken care of these matters, Governor Ford wrote as follows:

> "It is true that there was a states attorney for the circuit, whose duty it was to prosecute; but this attorney attended none of the Hancock courts during these difficulties;

and the committee well know that the Governor had no power to compel him to do so; nor to remove him from office; nor to appoint another who would be entitled to receive his salary. The first items of expenditure to Messrs. Bledsoe and Campbell, were authorized by the peculiar features of the case. Two of the supposed murderers had been captured by, or surrendered to, General Hardin's forces, in 1844, and were, for want of security and impartial magistrates in Hancock, to be taken to Quincey for their preliminary trial, before Judge Thomas. The states attorney lived more than 100 miles distant; there was no mode of giving to him timely notice, for the prisoners claimed, and were entitled to a speedy trial; and besides this, it was very certain that the states attorney would not have attended if he had been notified. Everyone desired to keep as much out of these difficulties as possible, who had anything in future to expect from public opinion. What was the Governor to do in such a case? Was he to raise a little army to arrest the prisoners, and then suffer them to escape for want of prosecution? No, indeed! In that case everyone would have known that a mere hypocritical and feigned effort had been made to bring the offenders to justice; to ~~indicate the~~ vindicate the violated honor and broken pledge of the state; by which the state would have been more disgraced, than by the conduct of the very murderers themselves.

I desired to make the effort in good faith; and I accordingly employed Messrs. Bledsoe and Campbell, who were able lawyers, to go down to Quincey and to attend the prosecutions. The fee of $100 each, which was allowed to them, was reasonable, indeed, considering the magnitude of the case, the responsibility of their position, and the amount of public prejudice which they had to encounter, in performing their duty. In making this expenditure, I felt authorized by the extraordinary circumstances of the case, and by the powers inherent in the Executive Department, to see the laws faithfully executed; and it was clearly a case not foreseen or provided for by the General Assembly."

Source: Report of the Select Committee Relative to the Sinking Fund, Illinois Legislature, House of Representatives Assembly First Session (March 1, 1847) pages 7 to 8.

Ford's letter is dated February 25, 1847 (ibid at 7) The Select Committee approved his report (ibid at 13).

Page 42

The second line after the list of names should read:

"In the case of Walker and Bedell this was probably because they were to be witnesses in the case."

Page 55-57

The Warren Land Promotion is also mentioned in Flanders, Nauvoo, Kingdom on the Mississippi, page 138, though no details are given there that are not set forth in the manuscript.

Page 66

Samuel Marshall had refused to serve on the Grand Jury impaneled October 21, 1844 (the one that gave an indictment for the murder of Joseph and Hyrum Smith). He had been fined $5.00 for contempt of court (the standard fine for that circumstance). Circuit Court Record, Hancock County, Book D, page 162.

One possible reason for Marshall's refusal to serve was that this was the Grand Jury that would consider indictments against these individuals. This stems to show that he was a rabid anti-Mormon. This fact is also mentioned on page 43 of the manuscript with different citations there.

Page 73

Additional authority for the facts related in the first paragraph on this page is trial of the persons indicted in the Hancock Circuit Court for the murder of Joseph Smith [the "Sharp" pamphlet] page 1

Pages 77-78 -- Arrest of Jacob C. Davis

Two-thirds the way down the page is a line that begins: "Occasioned enormous excitement. . ." At that point the following information will be inserted:

On December 26th the Speaker of the Senate, John Moore, sent an order to M. R. Deming, Sheriff of Hancock County, ordering him in behalf of the Senate that he forthwith discharge the Honorable Jacob C. Davis, a member of the Senate, from imprisonment, ordering that the Sergeant At Arms serve a copy of the order on Deming, on that same day. (Source: Miscellaneous Senate Papers, December 23 to 27th, 1844, Illinois General Assembly, 1844/45, Illinois State Archives. Original paper signed by John Moore and attested by W. L. Covell, Secretary of the Senate.)

The Senate thereupon appointed a committee of three to inquire and report to the Senate the cause of any such arrest. They were authorized to issue process to compel the attendance of Deming to appear before them for examination, and they were ordered to report the facts at their earliest convenience to the Senate. (Original Papers, same source as above).

On December 26th, the Chairman of the Select Committee, John Dougherty, signed an order to William C. Murphy, Sergeant At Arms of the Senate, commanding him to summon Miner Deming to appear before John Dougherty, Edwin B. Webb, and Norman B. Judd, a Select Committee of the Senate at their committee room in the Capitol, and show cause to them why he arrested and detains the body of Honorable Jacob C. Davis.

Murphy executed that summons by reading the same to Miner R. Deming on December 26, 1844. The record further shows that Deming appeared before the Committee(the date is not indicated) and for cause exhibited the arrest warrant issued by J. B. Backenstos on November 20th. The Committee further reported that Deming was the Sheriff xxx of Hancock County and by virtue of said office and the writ copied above, "he claims to possess the right in law to arrest the body of the said Jacob C. Davis while acting as Senator of Hancock County, and in attendance at the seat of government, in Sangamon County, in the discharge of his duties as such Senator." (At this point the report ends.) (Arrest of the Hon. Jacob C. Davis, Illinois Legislature, Senate, 14th Assembly, First Session, (December 26, 1844).

On Monday, May 18, 1846, the false imprisonment charges against John Elliott and Levi Williams and others (People vs. Joseph McCoy, et al) were ordered, on motion, to be stricken with leave to reinstate. (Circuit Court Record, Hancock County, Book D, page 377)

The May 1844 Grand Jury found "no bill" against John Elliott. The crime is not identified in the particular reference. Kidnapping is a good guess. (Circuit Court Record, Hancock County, Book D, page 134.)

On the same day that this entry was returned (May 24, 1844) the Grand Jury presented an indictment against Joseph McCoy, William Middleton, William Clark, John Elliott, Levi Williams and John Williams for false imprisonment.

The original files from Drawer No. 20, People v. John Elliott, May term 1844, show that the arrest warrant charged that John Elliott, who lived 4-1/2 miles south of Warsaw, on December 2, 1843, kidnapped Daniel Avery. The affidavit was executed before Aaron Johnson, Justice of the Peace, on December 11, 1843. Elliott was held to the Grand Jury and a recognizance was entered for $3,000 bond.

Drawer No. 22, People v. Joseph McCoy, et al., for kidnapping, shows a capias on the indictment - $500.00 bail for Joseph McCoy, William Middleton, William Clark, John Elliott, Levi Williams and John Williams. The return shows service on Levi Williams and John Elliott, but the others could not be found. The indictment charges that defendants kidnapped Daniel Avery on December 1, 1843. It is signed by E. A. Thompson, States Attorney and noted a true bill by Benjamin Avise, foreman of the Grand Jury. The witnesses are Daniel Avery, Anderew M. Hamilton, James Hamilton, and Sisson H. Chase. The indictment was filed May 23, 1844. The file contains a motion to quash the indictment because of various formal defects in the paper including the fact that it does not charge the defendants with forceably abducting Daniel Avery from his own county and into another county and that it only charges

defendants with a design to commit kidnapping without formally charging that the kidnapping was ~~xxxxxxxx~~ carried out. This point seems to be well-taken.

The docket entry (page 199) for October 25, 1844, shows that the States Attorney confessed the motion to quash the inductment, whereupon the court ordered that the indictment for kidnapping be quashed. On the same date, the court overruled a motion to quash an indictment against Joseph McCoy, William Middleton, William Clark, John Elliott, Levi Williams and John Williams for false imprisonment. Elliott and the two Williams pleaded not guilty and the cause was continued to the next term. The court issued a capias for the other three defendants, it appearing that they had not been served with process. Bail was $300.00. The capias was returnable to the next term.

Drawer 23 under People v. Joseph McCoy, et al, for false imprisonment shows an allegation that the defendants on December 1, 1843 with force and arms had unlawfully and against his will imprisoned Daniel Avery and confined him for a long space of time, to wit - 4 hours. It was signed a true bill and filed May 24, 1844 - bail was set in the amount of $300.00 each. The motion to quash this indictment was denied in October 1844, and the case was continued to the May 1845 term. I could not find any reference to this in the May 1845 term and the file shows nothing about its disposition.

Page ~~120~~ 84 - John Elliott Trial

Docket entries for the May term 1845 contain no notice of any indictment of John Elliott for murder. Neither do the indictments of October term 1845. From this one would infer that the jury found no Bill in the case of the charges against John Elliott.

Page 86

Brigham Young's journal entry came after deliberation in General Council that decided to avoid writs. Get more information on this deliberation.

Page 90

Insert the following between the fourth and fifth lines:

"And shows that it was executed before Judge Young in Chambers in Quincey on March 22, . . ."

Page 92 - Daniels Pamphlet

7 DHC 558 to 59 lists "Account of the Murder of General Joseph and Hyrum Smith, by William M. Daniels, Nauvoo." As among Church publications for 1845.

Page 110 --------James H. Ralston and Abraham Lincoln

Gregg, Prophet of Palmyra, Page 167, states that in 1840 the Wig ticket (for President) was elected by a 400 vote majority. Lincoln's name was cratched as a Wig Elector by 200 Mormon voters and the Democratic opponent was substituted.

P.110 (cont.d)

Gregg, History of Hancock County, page 449, shows that William H. Harrison, the Wig candidate, received 1352 votes in 1840 and that Martin Van Buren received 624. In brackets after this it is stated that "the name of Abraham Lincoln, a Harrison Elector, was dropped by about 200 Mormon voters and that of James H. Ralston, his opponent, substituted. With that exception, the Mormons generally voted the Wig ticket."

Page 110 cont. Why another prosecutor was used

Josiah Lambourne was paid $100 for prosecuting the murderers of Joseph Smith. In addition, John Calhoon was paid $100.00 "in part for the amount allowed J. Lambourne for prosecuting the murderers of J. Smith." (source cited below, page 5). When a legislative committee challenged Governor Ford on why he had expended the state contingent funds for these amounts, in view of the fact that there was a states attorney in office whose duty it was to attend to all the prosecutions referred to, the Governor responded by explaining (in a passage quoted earlier in connection with Bledsoe and Campbell in the September 1844 events), that'this [states] attorney attended none of the Hancock courts during these difficulties" and that the Governor had no power to compel him to do so or to remove him or to appoint someone else who could serve and receive his salary. His explanation continues as follows:

> ". . . Mr. Lambourne was employed to prosecute them at another term. Such was then the excitment in the County of Hancock, and the combinations which had been formed to

screen the guilty from punishment, that no grand jury and states attorney, unaided, for weeks before and during court, by the persevering and active efforts of an enterprising lawyer, would have been able to discover the evidence and bring it before them in the time allowed them, during a single term. The allowance to Mr. McConnell is reasonable, indeed, for services such as he rendered. The same may be truly said of the allowance to Mr. Lambourne, who prosecuted all the main trials at the constant peril of his life. As yet, the states attorney had not attended. The Governor had no power to compel him to do so. What was to be done in such a case? Undoubtedly to employ counsel to prosecute. In so doing, I felt I was but serving the people. I was vindicating their laws and their honor; or rather the honor of the government, which is the peoples' honor. If the people were honorable in their feelings, I was sure of their approval; and if they were incapable of appreciating what was honorable and right, I was prepared then, as I am yet, to disregard their censure."

Source: Report of the Select Committee Relative to the Sinking Fund, Illinois Legislature, House of Representatives, 15th Assembly, first Session (March 1, 1847, page 8).

Page 111

Top line -- there was a law firm of Ralston, Warren & Wheat. If this law firm was still in existence at this time, a conflict of interest prevented Ralston from handling the case for the prosecution.

See page 121 Insert for a reference on James Ralston being made States Attorney Pro Tem (this relates to the first full paragraph on page 110).

Page 112

Ralston later helped the LDS people in their difficulties. 7 Documentary History, 489 -90, and 572. He expressed sympathy for the Mormons whose buildings had been burned in September 1845. St. Louis Morning Missouri Republican, September 26, 1845, page 2.

Page 114

Brigham Young's Journal contains the same sentiments. On Sunday, March 16th, he wrote:

> "I swear by the God of Heaven that we will not spend money in feeding lawyers. All the lawsuits that have been got up against the Saints, have been hatched up to feed lawyers, tavern keepers, etc. I would rather have a six-shooter than all the lawyers in Illinois. I am sworn not to pay lawyers, but to pay our debts, and it would relieve us from an immense tax."

7 DHC 386

On March 11th, 1845, Brigham Young notes in his Journal that he attended the General Council.

"The subject of writing to Governor Ford; also the present movements of the mob were discussed. It was considered best for those who are hunted with writs to go on missions; as the policy of commencing a mob persecution has always been to get out vexatious writs in order to provoke resistance to the form of legal authority and thereby produce a collision between us and the state; so that we may, if possible, evade the blow until we can finish the temple and the Nauvoo House."

On the next day, March 12th, he noted: "That the sheriff is here with writs for several of the brethren."

He also stated "That the mob had sent messengers to the Governor to inform that the Mormons had resisted the officers and requesting him to order a posse comitatus to come and take Brackenberry."

7 D.H.C. 380

Page 118

Note that the communication to Church members titled "A Voice from Nauvoo" is signed by Willard Richards, "In behalf of a General Council of the Authorities of the Church of Jesus Christ of Latter-day Saints at Nauvoo, and therefore carries the weight of an official pronouncement of the General Council."

Correct the date in the middle of the page -- the issue of the Nauvoo Neighbor was May 7th

Page 120

Add the date "The 6th day of May, 1845". This is added in pencil on my copy, apparently after checking with an original source.

On Tuesday, May 20, 1845, the official court record shows that William Elliott, the States Attorney, was absent. Therefore, the court appointed James H. Ralston as States Attorney pro tem for the present term of court. Ralston accepted the duties of office. (Circuit Court Record, Hancock County, Book D, page 243)

Flanders, Nauvoo, Kingdom on the Mississippi, page 307, states ~~that~~ as follows:

> "Furthermore, any Mormon in the County accused of crime could get a Mormon jury which would acquit him, and an anti-Mormon could do the same. Each was entitled to a jury of the county, and the state had no power to change the venue. 'No leading man of either party,' said Governor Ford, 'could be arrested without the aid of an army, as individuals of both parties were justly afraid of surrendering for fear of being murdered; and when arrested, each trial was likely to lead to a civil war, and . . . as a conviction was impossible . . . the administration of criminal justice was completely at an end, whilst the Mormons remained in the county.' "

The foregoing material relates to the period after the murder of the Prophet, at least insofar as Flanders is commenting upon it.

My examination of the criminal court records in this period (1844 through 1846) confirms that there were very few convictions, but the grand juries persisted in indicting persons, and the voluntary dismissals of the

prosecuting attorney accounted for far more people going free than the acquittals of the jury. There were jury trials, but I believe Flanders and Ford probably overstate the problem considerably.

Why did prosecuting attorney dismiss the cases?

Page 142-Benjamin Brackenberry

The Official Court docket entries for the October Term 1845 show that on Monday, October 20, 1845, the Grand Jury having found ~~xx~~ "no Bill" in People vs. Benjamin Brackenberry, it is ordered that the recognizance be dismissed and the defendant go without day. The charge is not noted.

Page 142 -- Benjamin Brackenberry Case

The citation for the original papers referred to on this page is Hancock County Courthouse, Drawer No. 23, People v. B. B. Brackenberry

P. 143

Delete reference to John Elliott trial.

(Treated on p. 81)

Page 148 -- Robert D. Holt in the Political Career of William A. Richardson, Journal of the Illinois State Historical Society, Volume 26, page 222, 233, 234, states that William had been regarded as the "homeliest man in the legislature with the possible exception of Lincoln. . . ."

Pages 149 to 151 -- William A. Richardson

To the sources on Richardson's biography add Robert D. Holt, The Political Career of William A. Richardson, Journal of the Illinois State Historical Society, Volume 26, pages 222 to 266.

He was a Jackson Democrat.

"Richardson loved the rough and rugged life of the pioneer politician. His huge body shook emotionally as his deep voice roared forth his arguments. In his mannerisms he was unguardedly rough, almost crude at times. To his family and friends, however, he revealed the deepest kindness, but to his enemies he was unmerciful." (Ibid page 232)

"Richardson was not endowed with the faculty for proposing significant ideas. He was, however, a faithful, diligent worker, one who would execute the plans that had originated in the mind of another. On the platform, in the age when stump speaking was common and practical, he could, in his unpolished manner, speak with force and vigor, and bring the crowds to support the attitude of his party." (Ibid page 263)

On Wednesday, May 21, 1845, the defense attorneys moved for an attachment (arrest) on Governor Ford for failing to attend as a witness in this case. The docket entry reads:

"Whereupon the court took time to consider the same."

(Circuit Court Record, Hancock County, Book D, page 260.)

The original notes call for some modification of this page. The Watts notes contain ~~this~~ these excerpts on the 35th page:

Elison [or] 3 Vol. Bla. 355: "If the sheriff be not an indifferent person, as if he be party in the suit, ~~would be related~~ or be related by either blood or affinity to either of the parties, he is not then trusted to return the jury, but the venire will be directed to the coroners, who are the substitutes for the sheriff, to execute process when he is deemed an improper person. If any exception lies to the coroners, the venire shall be directed to the two Glerks of the Court, or two persons of the County named by the Court and sworn, and these two are called Elisors or Electors, shall indifferently name the jury and their return is final [no challenge being allowed to the array]. 3 Black, 355.

"Challenges to the array are at once an exception to the whole panel, in which the jury are arrayed, or set in order by the sheriff in his return, and they may be made on account of partiality or some default in the sheriff, or his under-sheriff who arrayed the panel, and generally speaking the same reasons that before the awarding the venire were sufficient to have

directed it to the Coroners or Elisors will be also sufficient to quash the array when made by a person or officer of whom partiality there is tolerable ground of suspicion." (Ibid 359)

Page 159-160 - Ruling on Motion for Elisors

Page 261 of Circuit Court Record - Hancock County, Book D, states that after hearing argument the court sustained the motion and that immediately thereafter the court was ordered adjourned until 8:00 a.m. on Thursday.

Page 160 -- The Significance of the Elisor

The precedent was later used in the county. On Tuesday, October 21, 1845, in the next court term following the May Term 1845, one Michael Barnes, who was accused of arson [probably a case involving burnings of Mormon property, though this does not appear definitely in the file] through George Backman, his attorney, filed an affidavit charging that the County Commissioners Court that had selected the Grand Jury were partial and prejudiced against him and selected them "with a view to procure said Barnes to be indicted for arson." On motion the court ordered that the panel and Grand Jurors be set aside. The court noted that Sheriff Backenstos had himself been recognized to appear upon a criminal charge and stated that the coroner (according to the affidavit) was prejudiced in favor of Backenstos, so the court appointed two men as elisors: Thomas Owen and James D. Moran. Morgan?

Page 162 -- Thursday Morning Events

On Thursday morning the court attended to other civil matters before reaching the criminal case. (Circuit Court Record, Hancock County, Book D, page 262 and 269).

That morning the elisors entered upon the performance of their duties.

Page 162

Summoning bystanders to fill the vacancies in the Jury was apparently a regular practice. In the court term that began on May 20, 1844, the preceding year, three jurors were excused for good cause and the court ordered the sheriff "to summon six of like good and lawful men from the bystanders to complete the same. . . ." . Circuit Court record Hancock County, Book D, page 65. (The above practice was also carried out both October 21, 1844 and for the panel October 28, 1844).

The same thing was done on May 27, 1844. Ibid, page 143.

The same was done in October 1844, Ibid, page 163.

The same thing was done for the Petty jury originally chosen for May 19, 1844. Bystanders in the number of 10 were called to fill out vacancies.

Page 166 -- Arraignment

The docket entry for Thursday, May 22, 1845, shows that the defendants had been furnished a copy of the indictment and a set of the names of the aforesaid jurors and also names of the witnesses intended to be produced against them on the part of the people at the trial, "and being forthwith arraigned and demanded of concerning the premises herein charged against them in and by the said Bill of Indictment how they would acquit themselves thereof; for Plea says that they are 'not Guilty' thereof and for trial put themselves upon the County." (Circuit Record, Hancock County, Book D, page 269)

The Watt notes, on the 33rd page, contain these references on the selection of the jury:

"In the selection of the jury, the court laid down the following rules, to be observed by the counsel on both sides, in the examination of the jurors, touching their competency to serve in this case.

"1. That the proper question to be propounded to the jury man is: Have you made up and delivered an opinion, that the defendants are guilty or innocent of the charges laid in the indictment."

(Burr's Trial, 418.)

"2. That an opinion formed, if not expressed, does not disqualify a person from serving on the jury.

(Noble v. The People, Breeze's Reports 29, 30.)

"3. But if a person called to serve on the jury has formed and expressed an opinion from reports as to the guilt or innocence of the defendants, who has not heard the statements of any of the

witnesses, nor of any other person who professed to know the facts in the case, that he had no reason to believe or disbelieve the reports, any more than other reports which occasionally float through the neighborhood; and that his opinion was expressed in this way: 'If the reports are true, my opinion is so and so,' without stating what that opinion was, that such expression of opinion would not render him incompetent.

(Gardner v. People, 3 Scammon, 88)."

Page 168 -- Additional Reference

Additional reference for the jury selection material on 167 to 168 is Circuit Court Record, Hancock County, Book D, page 269)

Page 169 -- Sequestering of Jury

Before adjourning on Friday, the court ordered that the jury be kept separate by the elisors. The court adjourned to 7:00 o'clock Saturday morning. (Circuit Court Record, Hancock County, Book D, page 274)

Page 170 -- Opinions of Jurors

The Reynolds case, 98 U.S. at page 145, 147, and 155 to 56, quotes Burr's trial to the effect that a juror can serve though he has formed an opinion about the case, if the opinion is hypothetical and not from the evidence. Consequently, Ford may be over-simplifying when he states that the jury was made up of followers of the court who had sworn they had never formed or expressed any opinion. The fact that they had formed an opinion may not have disqualified them if the court was following this precedent in Burr's trial, which would have probably been well-known.

Page 178

Greg, page 634, has a biography on the Alabama William Smith.

Page 180 -- Attachment for Governor Ford

On Saturday morning before the trial began William Richardson withdrew his motion for attachment of Governor Thomas Ford for the reason that he was mistaken in supposing that Ford had been summoned as a witness for the defendants. ~~The~~ At the same time Josiah Lambourne moved for attachments for contempt against Jonas Hobart, John W. Morrison, and Henry Stevens for failure to attend as witnesses after having been summoned. (Circuit Court Record, Hancock County, Book D, page 276)

Page 180-81 -- Almeron Wheat and George D. Watt

Almeron Wheat was admitted to the Illinois Bar in 1839 (Role of Attorneys, Illinois Reports, Volume 3, 2 Scammon (1841) page xi)

In 1843 he was a member of the law firm of Ralston, Warren & Wheat in Quincy (1843 correspondence addressed to that law firm examined in the Illinois Historical Survey).

George D. Watt became the reporter for the Journal of Discourses (Journal of Discourses, Volume 1, page v and vii)

Page 191

Lambourne offer

7 DHC, page 568, shows a letter from Josiah Lambourne to Brigham Young under date of April 17, 1846, containing these sentences:

"I have been thinking of preparing for publication a brief history of the Mormons and their difficulties in the different states where they have resided. My objective would be to present to the public, the political, religious and sexual motives, which have led to the persecutions of the Mormons. A well-arranged statement of all of these matters in a popular style of literature would have a tendency to correct public opinion and do much good. . . . My object in addressing myself to you is to ascertain whether the Mormons would afford me any facilities in getting correct information, etc."

The history contains no notation of response to that inquiry.

Page 209

There is a good engraving of Browning in Lusk, Politics and Politicians (1844) page 294.

Page 233 -- An Additional Source for the Adjournment to 7:00 o'clock Monday Morning

(Circuit Court Record, Hancock County, Book D, page 277)

This source also shows that the jury was ordered to be kept separate during the weekend.

Page 260 -- An additional source for the Court's adjournment to 7:00 a.m. (Tuesday morning is Circuit Court Record, Hancock County, Book D, page 278. This source also notes that the jury is to be kept separate.

Page 265 -- Witnesses Who Did Not Appear

Bonds of $50 or $100 each were forfeited for the following individuals who were summoned and failed to appear as witnesses in the trial for the murder of Joseph Smith: Joseph Stanton, Nathaniel Mason (surety) William Houck, Milton Sebastian. After the trial Lambourne got an attachment for William Houck and also John Morrison. (Circuit Court Record, Hancock County, Book D, page 292) (The date was Saturday, May 31, 1845, when the recognizances were forfeited and the attachment issued)

Page 267

Insert as a third line "Hard-pressed prosecutor."

Page 267

Footnote: 7 DHC 142 states that Levi Street and William Baldwin, on whom subpenas were served and who could not be found, were guards at the jail.

Page 345 -- The Case Goes to the Jury

Circuit Court Record, Hancock County, Book D, page 291 states:

". . .and the arguments of counsel being closed on both sides, and the jury having received the instructions of the court as asked for by the defendants' counsel, retired at half-past 11:00 o'clock in the forenoon, to consider their verdict, . . . and the said jurors afterwards, to wit: at 2:00 o'clock in the afternoon, returned in court, and delivered the following verdict, to wit: We the jurors of the jury find the defendants not guilty as charged in the indictment."

Marvin Hill's letter to me of September 29, 1966, reports as follows:

"I was thus allowed to use the Journals of Wilford Woodruff and Willard Richards, and also the Manuscript History of Brigham Young. Through study of these I established that the church leaders simply refused to cooperate with the state officials in securing evidence, or obtaining witnesses for the trial. They went in hiding to avoid testifying. John Smith and George Albert Smith explained to the prosecuting attorney (Lambourne) in one letter that they would not assist him since they were afraid of irritating the mob further. Other evidence suggests they wished to finish the Temple and flee, without stirring more conflict."

The letter recites that Brother Lund confiscated Marvin Hill's notes. We need more definite information on this subject. (Letter filed in my correspondence file.)

Also see the reference in 7 DHC 380, where the General Council resolved that those who were hunted with writs should go on missions in order to avoid "a collision between us and the state; so that we may, if possible, evade the blow until we can finish the temple and the Nauvoo House."

Page 351 to 353 -- Lambourne's Preparation for Trial

This criticism of Lambourne for his failure to make advance preparation in the trial may be overstated. This was an extraordinarily complex case, with a lengthy trial and large numbers of witnesses. Lambourne may, in fact, have prepared the case like every other criminal case was tried at that time, using techniques that were sufficient with several witnesses but totally inadequate for large numbers. John Frank, in his book, "Lincoln as A Lawyer" (University of Illinois Press (1961) states that Lincoln did not prepare witnesses before putting them on the stand (that is, he did not go over their testimony and make careful advance preparation.) (page 34). He also states that Lincoln went into his trials without preparation--that there is no evidence that Lincoln ever prepared a case in advance of trial. (page 169). Since Lincoln was one of the most successful lawyers of his day, and a contemporary of Lambourne, that evidence is particularly persuasive on the method of trying cases at that time in rural Illinois.

Page 352 -- The Fee Received by Lambourne

The allegation that Lambourne received $180 in fees for his prosecution is to be compared with a $25 fee that Lincoln is reported to have received for representing the State as Special Counsel in a criminal trial. Likely that trial was a matter of hours, whereas Lambourne's lasted for several days. (Frank, Lincoln as A Lawyer, page 66 (University of Illinois Press (1961).

Page 361 - Trial Date for Murder of Hyrum

An additional source for the special term and the bail is Circuit Court Record, Hancock County, Book D, page ~~292~~ 291 to 292.

Page 364 -- The Special Term

Calvin Warren was the States Attorney Pro Tem for the special term on June 24, 1845, it appearing that Miner R. Demming was confined charged with the murder of Samuel Marshall, the court ordered that the coroner, George W. Stigall, performed the duties of Sheriff during the disability of Demming. (Circuit Court Record, Hancock County, Book D, page 296.)

Page 364 -- Dismissal of the Indictment for the Trial of the Murder of Hyrum

Circuit Court Record, Hancock County, Book D, page 302, has this entry:

> "Defendants came in person and by attorneys. . . and William Elliott, Jr., Esq., States Attorney, and Josiah Lambourne, Esq., who prosecutes in his behalf, being three times solemnly called came naught nor any person for them to prosecute this suit, it is therefore ordered that this suit be dismissed for want of prosecution and that the said defendants be discharged and that they go hence without day."

That entry appears on the page for Wednesday, June 25, 1845.

Page 369 -- Additional Source for the Proposition that No Grand Jury Having Been Summoned the Coroner was given the Task of Summoning Men for Service on the Grand Jury: (Circuit Court Record, Hancock County, Book D, page 297.)

Page 369

Coroner George W. Stigall.

Pages 403 and 404 of George R. Gayler, "Governor Ford and the Death of Joseph and Hyrum Smith," Journal of the Illinois State Historical Society, Volume 50, page 391 to 411, states that the jailer atCarthage, who was kind to the Smiths during their stay there, was named Stigall.

Query: Is this the same individual as the coroner, George W. Stiggall, whom Deming states was a member of the mob party. Stigall, as coroner, made up the jury for the trial of Deming.

Page 370 - On George W. Stigall

Circuit Court Record, Hancock County, Book D, page 434, shows that George M. Stigall was indicted for forgery of bank bills with intent to utter.

Page 370 -- Indictment of Demming

On Wednesday afternoon the Grand Jury returned an indictment against Demming for murder of Samuel Marshall. There being no further business the Grand Jury was then discharged. (Circuit Court Record, Hancock County, Book D, page 305.

Demming was brought before the court, prosecuted by Warren, who was assisted by Archibald Williams and Thomas Morrison. He was defended by James Ralston and William A. Richardson. There was a hearing on his application for bail which was continued to Friday, June 27th, when Demming was admitted to $5,000 bail, which was resisted by the prosecution and the cause was continued to the next term. (Ibid at page 310 to 311)

On May 20, 1846, the Grand Jury returned an indictment against Orin P. Rockwell for the murder of Franklin A. Worrell. (Circuit Court Record, Hancock County, Book D, page 420) Rockwell's attorney, George Edmonds, obtained a change of venue to Joe Davies County and the court "Being advised that the jail of the County of Hancock is insufficient for the safe keeping of the said defendant" he was ordered confined in the Adams County jail. (Ibid, page 421)

Page 374 - Jacob B. Backenstos

The Grand Jurors selected by the County Commissioners Court were set aside on affidavit and Thomas Owen and James D. Moran were appointed to function as elisors to choose the Grand ~~and Petty~~ Jurors. Circuit Court Record, Hancock County, Book D, page 334 (relates to manuscript pages 376 to 77.

The elisors reported a Grand Jury, which indicted Jacob B. Backenstos for murder. (Ibid at 347, 369).

On that same day, Saturday, October 25, 1845, Backenstos was put in the custody of the coroner and the court ordered that "if he shall deem the same necessary either for the safety or protection of the prisoner [the coroner] be authorized to call Major Warren for such detachment of troops now stationed at Carthage as he may consider proper. . . ." (Ibid, page 370)

On Monday, October 27th the court fixed a $3,000 bond on Backenstos and changed the venue to Peoria County, and then adjourned to the next term. (Ibid, at page 374)

Official docket entries show ~~xxx~~ an order signed December 7, 1845, in ~~Rxxxxxxxxxxxx~~ Peoria by Judge Purple changing the venue ~~xxx~~ in the Backenstos trial to Knox County (Ibid, page 375)

378-379

Page (x) -- Trial of Individuals Accused of Riot in the Destruction of the Expositor

The following individuals were indicted in October 1844 for riotously destroying a printing press that belonged to Francis M. Higbee, Chauncey L. Higbee, Charles Ivins, William Law, etc. on June 10, 1844: Stephen Perry, Jonathan Dunham, Porter Rockwell, Daniel Cahoon, Andrew Cahoon, Jonathan Golmess (?), Stephen Markham, John Lytle, Altheas Cutler, William Edwards, and Jesse P. Harmon. Bail was fixed at $300 each. The recognizance on this charge was given before Robert Smith on June 25, 1844, and bears the signature of John Taylor, Joseph Smith, Hyrum Smith, etc. (from original papers in Drawer No. 23, People vs. Stephen Perry et al, for riot).

A jury trial was held on this charge on Wednesday, October 22, 1845. The verdict was returned on Thursday, October 23: Not guilty. Thereupon the States Attorney said he would not further prosecute as to the other defendants in the case, whereupon it was ordered that they also be discharged and that they go hence without day." (Circuit Court Record, Hancock County, Book D, page 346 to xx 347)

Page (x) -- Political Moves Involving the County Commission
(for information on County Commissioners see manuscript, page 130 to 131)

On Thursday, October 23, 1845 (or approximately on that date) George Stigall, the coroner, obtained a writ of mandamus commanding the County Commissioners to make record of and pay for his services rendered during the special term of court, June 1845. (Circuit Court Record, Hancock County, Book D, page 360)

During the May term 1846 two mandamus actions against the County Commissioners, one by George W. Stigall and the other by Charles C. Main (?) (begun in October 1845, page 360 and 372) were dismissed on motion of the complainants attorney. (Ibid, page 391)

On Thursday, May 19, 1846, the court granted a motion for continuance to the next term of court of the case of Andrew H. Perkins and George Coulson, County Commissioners [both Mormon] vs. George W. Thatcher, on appeal. (Ibid at 394)

This case involved some maneuvering by Mormons and non-Mormons on the County Commission.

Interestingly, George Thatcher was appointed a Master in Chancery on May 23, 1846, thus receiving an important political plum. (Ibid at 450)

Page 388 -- William A. Richardson

Richardson was chairman of the Illinois Delegation to the Democratic National Convention and helped to secure the nomination of Steven A. Douglas.

To the references on Richardson's life add Robert D. Holt, The Political Career of William A. Richardson, Journal of the Illinois State Historical Society, Volume 26, pages 222 to 266.

Page 390 -- Colonel E. D. Baker

Volume 9, No. 1 (1916) of The Journal of the Illinois State Historical Society contains a biography of E. D. Baker.

P. X

General Comments on Criminal Business in Hancock County

A study of all criminal cases in each of the court terms from May 1844 through May 1846 reveals the following:

There were from five to fifteen indictments in each term. Three of these were for murder (our case, and the indictments of Backenstos and Rockwell for the murder of Worrell). The other indictments were for the crimes of (in rough order of frequency) larceny, riot, adultery and fornication, and for a smattering of crimes such as purgery, kidnapping, false imprisonment, and assault with intent to kill.

Almost all of the indictments were disposed of by some technicality. A common pattern was for the case to be continued to the next term of court after the indictment (or perhaps to the term after) whereupon the prosecutor came in and moved for the indictment to be dismissed, or ~~indicated that~~ indicate that he declined to prosecute on it. Probably two-thirds or more of the indictments were disposed of in this manner.

Over the five terms covered by this survey, there were only eight jury trials. Six of these were in the May 1844 term. Six of these trials (all six) were held on a single day and all six (three for selling liquor without a license, one for purgery, and two for minor crimes) resulted in verdicts of not guilty. The May 1845 term saw the acquittals in the indictment for the murder of Joseph Smith. And the October 1845 term saw the not guilty verdict in the case involving the Mormons accused of riot in the destruction of the Expositor. Over a 2-1/2 year period these were the only jury trials in criminal cases in the Circuit Court for Hancock County. Over that same period of time there were about 40 indictments.

It appears that less than one-third, or in any case no more than one-half of the court's business in these two week terms was devoted to criminal matters; the balance was to civil cases.

The States Attorney frequently refused to prosecute criminal cases. For example, on May 22, 1844, the States Attorney stated that he was unwilling to prosecute Martha Jolley upon an indictment for adultery. So she was discharged. In this case the States Attorney apparently did not refuse to prosecute the man on that indictment. Circuit Court Record, Hancock County, Book D, page 114 - 115.

Very likely this was because of some technicality in the indictment. Thus, page 128 of the source mentioned above contains this entry:

People v. Joseph Smith - Indictment for Adultery and Fornication:

"This day came the States Attorney and says that he is unwilling further to prosecute this suit on the indictment found herein, heretofore, whereupon it is ordered that the said defendant be discharged and that he go hence without day."

On that same day the Grand Jury made a presentment of another indictment against Joseph Smith for adultery and fornication.

On May 20, 1844, the States Attorney disposed of indictments for larceny and bigamy, striking them on leave to reinstate. Other indictments were stricken in October 1844. In May 1845 -- Indictments were stricken on leave to reinstate for the crime of perjury. In October 1845 indictments were stricken on leave to reinstate for adultery, riot and embezzlement. In May 1846 indictments were stricken on leave to reinstate for false imprisonment, larceny ~~(4)~~ (5), and riot.

Page 89 of the above source contains this entry in the dismissal of an indictment for selling liquor without a license:

"This day came the States Attorney and says he is unwilling to further prosecute this suit. Whereupon it is ordered that the defendant be discharged and that he go henceforth without day."

MISC & p. 322

Chapter on History

On 5/8/68 I examined in the Chicago Historical Society a brigade order signed June 25, 1 44 by General M. R. Deming, by O. Skinner, Aide de Camp, ordering Colonel Williams to come to Goldens Point. This is the order that brought the Warsaw Tropps from Warsaw to Goldens Point, where they were met with the Governor's order disbanding them. This shows that Deming commanded the brigade in which Colonel Williams' regiment was included and that O. Skinner, later counsel for the defense, was Aide de Camp in that brigade. (The write-up on Skinner is page 322).

MISC.

RESEARCH TO BE DONE

1. Stanley Kimball's article in the Spring 1971 Journal of Illinois State Historical Society refers to Truman G. Madsen's study "The Assassination of Joseph Smith." Have we examined this to see if it gives us valuable information?

2. The same source refers to Kenneth W. Godfrey's dissertation discussing the causes of Mormon and non-Mormon conflict in Hancock County. Are we familiar with this?

MISC.

~~End of Chapter Two~~ -- History

Be sure to cite George R. Gaylor,"Governor Ford and the Death of Joseph and Hyrum Smith," Journal of the Illinois State Historical Society, Volume 50, pages 391 to 411. I have a copy. One useful quote is:

> "It was well-known that the most rabidly anti-Mormon contingent of the Militia was this very group [the Carthage Grays under the command of Captain R. F. Smith.] (Page 400)

The quote from Frank ~~Warrel~~ Wohlell on page 403 also is colorful and useful, especially in view of what we will later write about ~~Warrel~~ Wohlell.

Page 405 states that "there is little doubt that the Warsaw Regiment of the Illinois Militia furnished the men who planned and carried out the attack upon the jail. Also, little doubt has remained that the Carthage Grays were in collusion with them."

MISC.

~~Page 12~~ -- The Attitude of the Mormons

Papers I copied at the Illinois Historical Survey casts light on this subject. A handwritten, unsigned "Proclamation from the Governor" dated Quincey, June 29, 1844, asks the Militia to "be in readiness with 12-days' provisions to execute his orders without delay. The Military of Hancock County are not included in the special call."

By an order signed by Thomas Ford and dated Quincey, June 30, 1844, General Demming was ordered to use his forces to protect Nauvoo. The Governor states, "I am afraid that the people of Hancock are fast depriving themselves of the sympathy of their fellow citizens, and of the world. I strictly order and enjoin on you that you permit no attack on Nauvoo or any of the people there without my authority."

Another communication which is signed by Orson Spencer and undated assures General Demming of the Mormon's intent not to go to Carthage but to stay on the defensive.

MISC.

~~Page 17~~ -- Demming in Command of Troops

I have a handwritten memorandum signed by Brigadier General M. R. Demming addressed to the Messrs. Smith, dated June 26, 1844, at Carthage. This note shows that Demming commanded the troops at the jail. ~~trial~~. His note indicates that he has made provisions for them to receive visitors at the jail without further inconvenience. An attitude of courtesy and dignity is evident in the communication.

~~Page (x)~~ MISC

The Reminiscences of Eudosia Baldwin March printed in the Spring 1971 issue of the Illinois State Historical Society, contain a detailed account of the killing of Joseph Smith. This should definitely be cited among our sources. She was intimately acquainted with these details. For example, she was a sister to the wife of S. Otho Williams, who was an officer of the Carthage Grays and one who aligned the troops to march them to the aid of the guard at the jail when the mob appeared to kill the Smiths. She relates being present when he came into the room to get his sword and go out and call the men to order.

Pages 52 to 53 of this source also quote eye-witness account by J. H Sherman, which is particularly impressive and helpful.

MISC. Ref.

Mormon Settlement.

Gregg, Prophet of Palmyra, page 156, states that the heaviest Mormon settlements outside Nauvoo were in La Harpe, Plymouth, Macedonia, Green Plains, and Montebello.

MISC

~~Page (x)~~

Joseph Smith Indicted for Perjury

Gregg, Prophet of Palmyra, page 239, states that in the court term held in Hancock County in May, 1844, Joseph Smith demanded trial on the perjury indictment.

MISC.

Mob From Warsaw

Gregg, Prophet of Palmyra, page 283, states that the mob came from Warsaw Militia.

MISC.

Source of Mormon Conflicts

Joseph Smith's nephew, named Salsbury, has an article in Volume 8, No. 2 (1950) page 281, of the Journal of the Illinois State Historical Society on the Mormon War in Hancock County. He states that the Mormon conflicts were political, not religious.

MISC.

~~Page (x)~~

Augustine Spencer

Keith Huntress, Murder of An American Prophet, page 113, reproduces the Writ of Arrest on the Charge of Treason of Joseph Smith. The Writ was issued on the oath of Augustine Spencer. This shows that this particular Spencer was a rabid anti-Mormon.

MISC.

Account of the Murder

Keith Huntress, Murder of An American Prophet, pages 146 to 159, gives Thomas L. Barnes' account of the murder. This was written to a doctor in 1897. The following statements of Barnes are of special interest:

1. He denies that he had anything to do with the murder.

2. He said he thought some of the citizens of Carthage were parties to the murder, that just before the murder he was asked to go out along the road toward Nauvoo to see what was happening. He went in company with John Wilson and Dr. Morrison.

3. One of the guard told him that the guard had fired blank cartridges over the heads of the mob when they arrived at the jail.

4. "It is said that there he gave the hailing sign of the distress of a Mason, but that did him no good."

5. Individuals from Carthage and Warsaw who planned to make an armed attack on Nauvoo met at Golden's Point about six miles below Nauvoo along the Mississippi River and camped overnight.

6. He refers to a friend living in Nauvoo: "He was what was called a Jack Mormon, viz. an old citizen that was friendly to the Mormons and opposed to the way the anti-Mormons was doing." This friend was named "Bedell".

Miscellaneous

The states census of 1845 showed Hancock County to be the most populous county in the state with 22,559 inhabitants, and Nauvoo the largest city with a population of 11,036.

Source: Flanders, Nauvoo, Kingdom on the Mississippi (1965)

Citing reports made to the Senate and House . . . 1946, page 70; Charles J. Schofield, History of Hancock County (Chicago 1921) page 1103.

Nauvoo

Pages 212 through 241 of Flanders, Kingdom on the Mississippi, contain a good summary of Illinois politics, in the 1830's and 1840's, with particular emphasis on the role of Nauvoo and the Mormons.

Page 221 states that jealousy over the Mormon vote arose in Hancock County after the election of 1840. The old citizens realized that the Mormon voting strength was potentially greater than their own and proposed a new Mormon vs. anti-Mormon political polarity. The beginnings of the organized anti-Mormon political party occurred in the spring of 1841 stemming from agitation of the Warsaw Signal. A citizens meeting was held on June 19th at Warsaw to elect delegates to a county anti-Mormon convention.

Miscellaneous

Page 324 of Flanders, Nauvoo, Kingdom on the Mississippi, summarizes the efforts to repeal the Nauvoo Charter. The clamor began in December 1844 and the Charter was revoked on January 29, 1845, by a bu-partisan vote of 25 to 14 in the Senate and 75 to 31 in the House.

Reference: Same as above.

Miscellaneous

There is a roll of names of the Carthage Grays in 7 DHC, 142-43.

TRIAL MAY 19-28, 1845

Murder June 27, 1844

Documents relating to the
Morman troubles
Given to Thomas C. Sharp
ed. Warsaw Signal

[Pagination and lines same as in original]

[These typewritten notes were prepared by my secretary in May, 1968 from a Xerox copy of original handwritten copy in Chicago His. Socy. I have the Xerox. I have checked the Xerox against this copy line by line and made corrections where approprate. Some additional corrections may be approprate as I gain greater familiarity with the material. This material is private and not for publicatron. For use only by undersigned and Marvin Hill.

Dallin H. Oaks 6/14/68

The People Witness

Joseph Stanton
Exd Jonas Hobart
Walter Bagley
Exd William McDaniels
Examined John Payton
Benj. Brackenberry
Wm. Garrett
Tom Ford
Marian M. Hamilton
Thomas Dixon
Exd George Walker
Platt Fairchild
John Taylor
Eli H. Walker
Wm. Hauk
Henry Mathews
Michael Barnes
Lins Stout
Robert F. Smith
Exd Franklin A. Worrell
John D. Mellen
John Wilson
Exd George Backman
Exd Cantfield Hamilton
Joseph Hawley
Chancy Hughes
William Baldwin
Exd Eli H. Williams
John Morrison
Morrison
Exd B. S. Samuels
David Bettersworth
Geo. Thatcher
Thomas L. Baines

Henry Stevens
Dearbourn
Jennings
Eliz Graham
George Singler
Thomas Roberts
Theodore Boardman
R. F. Tobias

~~Witnesses~~ Elisors appointed by the Court
William Abernathy
Thomas H. Owen

Deputy ~~Witnesses~~ Elisors appointed by—
Erastus Auston
E. A. Bedell
Samuel Fleming
Lewis Pabison
Samuel A. Smith
T. C. Ingersoll

People vs Aldrich et al

Witness Jonas Hobart - Lives in Carthage

Smith was killed on 27 June 1844 about 5 o'clock P.M. - Knows but little about the transaction was present in front of the jail. Was at home at the time it committed. Went over as soon as possible - heard the firing but did not see it. Examined Smith after he was shot in the right breast in the abdomen and in the left ~~schoulder.~~ shoulder There were I suppose 150 men present I saw no ~~one~~ person that I knew and did not see any of the defendants It might have been two ~~seconds~~ minutes from the time I went to the jail before the crowd retreated it could have been over that time heard no/ person say that they had killed him - they ~~even~~ were armed with muskets and spring breech rifles - saw nor heard any commands given - Suppose about 30 guns ~~been~~ were fired.

2. John Peyton

I was part of the day on which John Smith was killed at home I saw all the defendants some in Warsaw and some between there and Warsaw - Saw Davis & Aldrich in Warsaw early that morning we ry to take up the line of march oldens Point we went part of way and were then discharged about 500 [redacted] from War[redacted]

(paper torn)

Grover, Sharp & Williams

page torn

Sharp made a speech to
not recollect all he said ——
fit — He said Joe Smith was
in custody the mormons would
all the County officers and that he
would be ~~tried~~ within himself
he said nothing about killing Smith
or + what should be done with him
Aldrich had before that time beat
for volunteers to come to Carthage
I do not know what they were going
to Carthage for - I do not know who
commanded - Aldrich commenced
making a speech setting forth the
grievances of the people as we held them
I will tell all I know about it
Sharp said that the mormans had
the power of the county & c. and said
that what was done must be done
quickly & that the Governor said so — Aldrich
commenced making the speech
Davis started home and I saw him
some distance from them did not
hear him give his reasons for going home
did not hear Williams say a word
he was on horseback his horse was neither
black or white but do not know
what its colour was — This was on the
27th June 1844 about 12 o'clock - it was
at the railroad shantee - Williams south
west - Al in Warsaw -

[Al = Aldrich]

3d George Walker

~~I was part of~~ On the day
Smith was killed I saw Williams
Davis and I think Grover I saw them
at Warsaw and at R S - heard Williams
say (I was in one of the advance companies
Col.Wm. after having been in the rear came
to the ~~door~~ Adv) and ~~saw Ford~~ said F had done all
he could - he said something about
coming to Carthage - cannot say what
a call was made for ~~him~~ F. do not know
who made it = Davis ~~said he would be~~ a C to C said he be D
if he was going to kill a man who
was confined in jail I did not
~~know~~ see whether ~~he~~ either [?] of the defendants
to Carthage - E. Walker & Hampton Loftis
& Richd Woodworth - I did not hear
the killings of the Smiths publicly
talked of that day - Davis started
towards Home - Did not see Brackenberry
berry that day - Did not see Al
baggage waggon that day - I do not
know that I did see Fullers waggon
that day if his waggon was there that
day I did not see it.

4. Franklin A. Worrell

I was in town that day
Saw Smith killed did not see
any of the ~~defendants~~ Defts — there was 100 or 200
these were there from 3 to 4 minutes

there were some disguised. Saw Smith die
Suppose it was a minute. I suppose
I saw no person on horseback - after the

5. Balwin L. Samuels

I was in town on the 27
was not at the jail at the time
they were killed. Saw Williams & Sharp that
evening and I think Aldrich before
they were killed _____ and I think Williams
at the time. Sharp at the same time.
I think Aldrich was with them but am
not certain. Col. Williams went down
with the Greys. Did not see W
on horseback. S Was in a buggy.

6. George Bachmann

I saw W & A in town on that
day before the firing some 15 or 20 minutes. I saw
Aldrich & Col. W when we were going to _____
I did again see W that day. Heard W
say anything about the matter when
I first saw A he had eaten his dinner.

Standing on the steps when I first saw
~~S~~saW him I never ~~friends~~ previous to that ~~time~~ time.

7. John D. Mellen

Knows nothing about
the matter - He was in Westboro [?] ~~Massachusetts~~
Massachusetts - and arrived in Warsaw on
the 1st day of August.

8. Canfield S. Hamilton

I live in Warsaw and
kept Tavern then at the time and
was at home that night. A large
no of people did not call at my house
for supper later - Saw Sharp G.D. at
about 8 o'clock at the time the _____ was
then - I was there at the time and went
down [?] _____ in a carriage did not
see them on the road. I went down in a
in a carriage - Williams never told me
that he ~~knew~~ - Sharp came out with
me about 7 o'clockk. ~~Which~~ all that morning

9. Eli H. Williams

I live in this town was
here on the day Smith was killed
I was at the jail a few minutes
after Smith was killed. Saw no person

whom I knew except the persons ~~which~~ who went up with me. I saw ~~Aldrich~~, ~~Williams~~ & ~~Sharp~~ on that day. ~~Aldrich~~ and ~~Williams~~ a very short time before the firing commenced. I saw ~~Sharp~~ a short time before that time - _____ _____ on the N.W. Corner of P. S. [Public Square ?] I heard ~~nothing~~ neither of them say anything about the firing. I did not see ~~Williams~~ go to the jail - it was a short time after after the firing commenced before the C. G. got to the jail. I am not ~~Captain~~ of the ~~Company~~. I do not recollect whether I saw a person on the court house before the firing commenced - there was firing after Smith fell after he fell out of window - I have heard none of the ~~defendants~~ DEFTS speak of it - I saw no person that I know - I did go to the Camp that night.

10. Franklin A. Worrell

Were the guns of the guards at the jail loaded with blank cartridges he declined answering the same on account of its Criminating himself.

11. William M. Daniels

On the Smith was killed I was both in Warsaw ~~and~~ & in _____ place in Warsaw on that morning it was understood that the troops were to march to Nauvoo by the order of ~~Governor~~. I saw ~~Williams~~, ~~Davis~~, ~~Green~~ and ~~Aldrich~~ - I cannot say that I saw Sharp that day in Warsaw

D

the troops started from W[illegible] in the morning, we marched to the company of the R. R. - Disbanding orders were read there by Col. W[illegible] - S[illegible] made a speech to them. Do not recollect of any other person making a speech but S[illegible]. I cannot recollect all of it - S[illegible] spoke of the necessity of getting _____ of the Mormons he spoke of the necessity of killing the Smiths wanted them to march through wanted the troops to come to Carthage wanted Captain D[illegible] to come with his Company. D[illegible] said he would not do it - D[illegible] told them if they wanted to go to Nauvoo where they had started for he would[illegible] go with them. D[illegible] said he would go home and they called him a damned coward. Said they would never elect him Capt[illegible] again. I do not recollect that I heard Col. W[illegible] say anything there about coming to Carthage - do not recollect hearing Aldrich say anything about - Grover said if no other person would go alone and started off - I came within 4 miles of Carthage with them - there was a call made at the railroad for volunteers to kill the Smiths this was 10 or 12 miles from Carthage - we were _____ at R. R. about Noon. Some of the men carried their arms [illegible] Some put them in the baggage waggons - Some were on horseback. Some on foot. S[illegible] and W[illegible] on horseback - G[illegible] on foot.

There were between ~~60~~ and 100 started
this way then ~~came~~ we were two or ~~three~~ 3 baggage
waggons along - I left ~~town~~ thence about 4
miles from here they were then
scattered along - I think ~~A~~ A left them
first - I cannot say whether alone or not
I do not recollect to have ~~seen~~ ~~Williams~~ after we
left the R. R. until _____ in Carthage. ~~Adkinson~~
remained with us until we got
within 4 miles of ~~him~~ here - I can't say
that I saw ~~Sharp~~ after I left the R. R. ~~until~~ ___
not at all - I saw ~~Groves~~ untill within
4 miles of Carthage - four miles from
~~where~~ here the wagons left the road the men
turned up the hollow - I do not know
whether ~~Davis~~ came up to the baggage wagon
or no - the men turned off a hollow
to the left of the road which brought
to the point of timber - I ~~came~~ straight
to Carthage - I got here some few
minutes before the company and went
to the jail. Did not see any of defendants before
Co[?] came up. Do not know who
was there did not speak to anybody
went ~~there~~ here to see what they were
going to do - Saw the guard at the
jail. They did not speak to me
Some were ~~on~~ one side and some on
the other - I did not speak to the
guard because I knew that ~~he~~ knew
as much about it as anybody
else - I understood that the ~~guns~~ guard
were to be loaded with blank
cartridges - I ~~was~~ was several minutes
after I got there before the main

body got up between 10 & 15 - there
were guns fired before the troops
got up two or three - I was not
know how far the troops were from
the jail when the guns were fired.
Some of the men had their faces
blackened a little with powder others
wiped their faces with their hands ~~When~~
black and done it _____. I was
15 or 20 feet in front of jail - I
was not spoken to when they came up
up - they came up in single
file in front of the jail. Do not know
how many got over the fence or
went up stairs - Do not know how
they were carrying their guns - I saw
Jo Smith when he fell from the
window - It was in the middles
of the road when he fell I think
he was not shot when he fell
I do not know whether or not
but think not. I was but a
short after he fell before they left
--then three or four guns fired
after he fell. Did not ~~see~~ Ai~~lmick~~ or S~~harp~~
at the jail or D~~avis~~ saw Grover
he was running towards the door
of the jail before the killing. Just
as they were approaching the house
~~I~~ Saw Col. Williams at the jail
but not when I first went
there - the first I saw of him
he was right there a little on his
_____ standing in the middle of the
road

The Carthage Greys were E of Williams
I saw Williams before the firing. They
had not turn guns into the jail -
I saw Grover again during the conflict
but not after - I did not hear G say
anything - Williams told the
mob to rush in, boys there is no
danger and hollered for them to come
round on that side to the window & I
said when they did so shoot the D
scoundrel. I do not recollect to
have seen William after - I went that
night to Mr. Scott's on Bear Creek.
I saw Smith after he was shot & I
supposed he was dead - they had
not all left there then - the men
had been drinking and acted like they
were drunk - not -
- did not write the book with
my name upon it, it was written
by Lyman O. Littlefield Some of
it before it was written - I saw
the light it was a sharp light right
at their bodies - I related to Littlefield
substantially as I have since related -
I am a cooper by trade. I am
from New York am 24 years of age
have been in Illinois 8 years. lived in Cain
County before coming to this county -
My parents was between the — and —
the jail not very near the jail. The Greys did not get to
the jail until the mob had
left and I left town immediately after
this occurrence.

2

Cross Examined:

I lived about 3 miles from Augusta. had been there about a year, resided in Nauvoo. I had been there four days ~~Many of~~ several boats stopped while there. I thought I would stop there. The Ohio did not come when I ~~wanted to go~~. When the ~~boats come~~ I did not go on _____ I did not belong to any Company of Missouri - I volunteered in Davis's Company - I had a ~~gun~~ ——— guns and no bayonets. I don't know who I reported myself Don't know but joined ~~Davis's~~ ——— Company - I know before I joined the Company what they intended to murder the Smith's. I heard this from the officers - Grover Aldrich, Davis & Williams - - They all said something but, can't tell what - They were to send 20 men to Carthage to kill the Smith's. This was on the parade ground the night before. I could see its members. I think there were 1/2 doz. in company _____ talking - I walked up to them talking - some saw me some did not. They did not stop but went on talking - I had not then joined the company - They were out in the open ground in a noisy talking and continued talking when I stood by - they did not motion to (two lines torn) from

[Different hand-writing here. Harder to read]

~~(paper torn)~~ I intended 12 Ford 2 lines torn

I could not have left Warsaw without being prevented - I had before left Warsaw & returned - no ~~no one~~ person prevented me from going or going on boat - They put me under guard that night - they had assisted me and put me under guard - They turned around after they saw me - ~~Don't know~~ Can't say who talked to me - - They did not speak to me. I don't know if any ~~who~~ other person under guard - I don't know how many men guarded me. The whole company would ~~now~~ have me I laid down and went to sleep. There is statements in book I made I don't know if any fact in this book but ~~who~~ what I did not give the manuscript to myself took to ~~printi~~ er to Quincy. If I went to _____ tell the fact through, they would be the same substantially as in the Book. I came up with company within 4 miles of Carthage. I got Phelps to put the advertisement in Nauvoo Neighbor. I understand the notice of the book is a correct description of the affair the same as I ~~sh~~ could tell the _____ off — Volunteers were called for to come to Carthage to kill the Smith's in disbanding troops - men disbanded early in the morning cannot say how early —

2

_____ 20 men started before I did for Carthage. After the Governor's orders came, they went for the first 20 men ----------

_____ up for volunteers. I do not know who went off on the white horse — He did not return - The men came back to the crossing of the rail road. I did not hear the 20 men say where they had been — They were talking - said they did not know what they were going for, others did say they knew - I had not been discharged from my arrest - they kept a file of men guarding so I could not go out. I was a prisoner when I joined the Company - Aldrich and Sharpe were on horse back - I did not see these men afterwards that day nor did I see Williams till I saw him at the jail - Sharpe made speech at the rail road - he was sitting on his horse - he urged them to kill the Smith's to get rid of the mormons. He wanted them to kill the Smith's Littlefield put the filling in the book. Sharpe said the news would shock Nauvoo and they would kill the Governor - Sharpe said if they killed Smith's the mormons would kill Ford and they would get rid of Ford and Mormons, too -

[?] ____ guard [?]
Don't remember he ~~were good and~~
don't _____ Remember ~~when~~ who
did it all ~~came~~ _____. Littlefield filled
up ~~with~~ this "Beard in the lion in his den."
The troops seemed pleased with it -
Some did not - Troops cheered him -
no one seemed willing to start
till Grover went forward - 80 or so
in all came. I ~~run~~ saw them
over as they came within jaul - These
~~were~~ were 84 - in number. Aldrich
left about 4 miles back and came
on. I did not see him for 4 miles
back. Did not see him when he
left. Did not see him anymore
about four miles back _____
was called - did not see Aldrich
leave Company. Don't know when
he went -- Did not see Williams
after leaving railroad till saw
him in Carthage. A man that had
~~Read~~ had a Carthage Grey Coat on came
out to the halting place & had
communication with Aldrich -
gave him a line. Aldrich told
~~them~~ this contents a loud - read it off
a loud to Company - the letter is
contained in the book that Aldrich
read a loud - I made my statements
to Littlefield about Williams
as told in the Book. I made
an affidavit of the same facts -
I now remember I did see Williams
before we got to Carthage - we get
some milk at a house -

9

I did not come ~~along~~ alone to Carthage
Several came with me after we
left the Company 4 miles back -
they said nothing to me about them
killing the Smith's. The troops
permitted me to leave ~~when I came~~ then & come
to Carthage - I don't know what I
said anything to them at the
railroad - I put my guns in the
wagon at the railroad - I don't
know that anyone knew that
I was opposed to the murder of the
Smith's - I told them that if the Augusta
troops were with it would
not be so - I did not ~~make~~ try to
prevent them, I did not make
any effort to get to Carthage before
them. I knew they knew all
about it - the Greys - I heard them
at Warsaw say the Carthage Greys
were ~~men~~ in the ~~mob~~ plot. When I got to
Carthage I went immediately to
the jail. I stood in road in front of
the jail. I ~~saww~~ saw the guard there - they
were inside the enclosure - don't
know how long the troops stopped at
the jail, ~~maybe~~ say 15 minutes. When the troops
came up to jail they had a scuffle
clinched two of them - the guards fired -
I was in front of the jail all the time.
I did not go inside the enclosure at all -
could not get into jail without going
over enclosure. - About 8 or 10 feet
from jail to enclosure - I stood about
middle the street -

I went up to the fence - near the corner. I saw 1 or 2 wounded men saw 2 wounded men - Think I saw 3 wounded men - Did not see more than 3 - I had seen them before in Warsaw - Wills was one of them. Don't know the names of the rest. One went out into the street Wills - I saw his arm was shot all to pieces - Don't know that they were mortally wounded - never saw them since - did not see the wounds of the other 2 - saw the blood coming out of arm ~~and~~ he said he ~~saw us~~ shot him. He said he shot through the door - When the call was made to go as to the window I went up that way towards Col. Williams. The men went over ~~now~~ to the window. I don't know how the wounded men got away except they went off on foot - Voorhes was shot in the shoulder He shot, afterwards, at Smith holding the gun in both hands - Saw Smith when he fell out the window - He fell out - saw him hanging in that window body out hung by hands or feet - No person shot at him while hanging there. Williams _____ told them to shoot him - by [?] in back and turned over on his face on ground - one man rushed up to him said Old Joe, I know you This is Old Joe - held him up had' not been shot then think he had fainted -

O.

While he hung in the window, all
was pretty still - Man set him
by the well curb and left him. This man
stood S. E. direction from him -
3 or 4 men shot at him, I think 4
they were at the fence - 10 or 12 feet
from him. All fired at the same time
pretty much. Don't know whether
Smith had his eyes open or not -
I saw him give no signs of pain
I did not isee any signs of recovery
in him. I did not tell Littlefield
that Smith's eyes rested upon those
who shot Smith - Voorhes was one who
shot at Smith. I saw the light which
at the jail shortly after Smith was
shot. about 1/2 - 2 minutes after
he was shot. The light was like ~~in~~ a
flash poping by his body. No one
went to him after he was shot
and no person could get to him
saw him move, ~~the~~ this person, ~~so bright~~ — knife
~~the~~ this light frightened ~~the~~ this men ~~they~~ & he
could not get to Smith. I ~~was~~ never
corrected any ~~very~~ mistaken in book. I put
the advertisement in paper. The book
is the same about as I would tell
it off Williams told them to run
for the Carthage Greys would be on
them. They carried off the wounded.
men - I cannot say how many
carried them off. I ~~think~~ they
had ~~also~~ to be carried off. ~~Two~~
mistaken. I went to Scott's -
~~I~~ knew him before.

I talked with Scott about it
I did not tell Scott I assisted ~~the~~ in
killing Smiths. I went home
near Augusta, the next day.
They were up all the night at
Scott's - no person left with
me at Scott's. I never told any
person I assisted in killing Smith's
nor that I assisted in holding
the guard while Smith's were
killed. I stayed that night at
home. I had no conversation
at Scott's with any other person
about killing the Smith's but
Scott. Smith never appeared to me ~~offered me~~
& gave a cup of water to me. I dreamed
it. I got to Quincy about 6 July -
I remained there until about here
in the fall - Have remained at Quincy
until 6 or 8 weeks passed.
I talked with ~~Thomas~~ English
about this matter. I told English
for attending to this matter five
hundred I would get. I
told him I had been offered
$500, but not by the Mormons.
Southwick said I was a fool for
selling myself. He said he would
give me $450 for my
~~chance~~. He advised me to go away.
I so did Tavern keeper, his name is
Conyers. He thought they would
kill me. I never told English
I was to get $500 for swearing but,
I told him that I could get $500
for attending to it.

8

I know McLane and Seabold.
I never told them that I was to get
$500 for swearing in this case.
I have had conversation with them
about this matter. I never told
them that I did not know who
killed the Smiths. I wasenever offered
$2,500 not to appear. I do not know who
who they were who offered me money.
I never have seen them since.
It was when I lived at Quincy -
This was before this last term of this
court. It was in Quincy on 3rd.
Street - They met me in the street -
They asked me who I was - I told
them. They offered me this money.
They were young men - not grey
headed ordinary size - only saw
them a minute - They told me their
business Showed me some
money $1,000 in land in New York $500.00
money if I would not appear here
at court - only saw them a minute.
This was about noon - Didn't know
what time of day it was - It did
not worry me much. I thought
it was a good deal of money to offer
a man - I did not take notice
how they were dressed. It was
not very cold weather. I didn't knpw
whether they had hats or caps on -
I wheeled around and went off ——
Give them to understand I would
not take it -

9.

I did not stop when people came
up to me. After I was going off they
called to me showed ~~me~~ more money
looked like silver. Had it in his
right hand. I said nothing but
went off. They meet me ~~down~~ down
near the corner of Jersey and York Streets
in Quincy. They had been to the
town and inquired for me.
I mentioned this the other day.
I told it to Rice [?] and Haywood before
I came up to Court. I did not
ask the men where they came
from not what their names
were - Did not look after them
as they went off. Do not know
when they went. I joined the Mor-
man church not a great while
before last court - I know
Mr. ~~Mellen~~ McMillan ?. He looks like one of the
men who offered me the money. He
is about the size of one of them
but I do not say that he is one.
I do not know whether or not
I have told English that I had
written a book and would make
a great speculation out of this
affair - the light which appeared
was like a flash of lightening.
I have not been doing anything

Since I have ~~before~~ lived in Nauvoo I have exhibited a painting in Nauvoo representing this light and when asked I have told that it was not correct but when not asked I said nothing. The painting belongs to Mr. Dibble.

John Wilson here[?]

I was home on the day Smith's was killed until after dinner. I was called upon by Dr. Barnes to go to the Country and went about four miles north of the road. Dr. Barnes was Capt. of the Rangers. - I saw no person until I saw a son of Mr. [redacted] Callen of A going in a lope to Nauvoo. I did not meet with the Company who killed Jo Smith. None of our Company left and went to another place. We were gone 3 or 4 hours and did get back until after Jo Smith was killed. I met Bettisworth and Grant going to Nauvoo to take the news about 3 miles from here - I saw persons coming from towards Warsaw. I was 3 miles from the persons. -

Different handwriting here

I never heard either before or after the killing the Smith that they had anything to do with it - I heard it said by drunken lofers and do not believe that the defendants knew nothing about it

[redacted] Thomas L. Barnes

I was Capt[redacted] and had been during the excitement here had there were [redacted] 20 to 30 men. I have my com[redacted] from Gen. Deming - I knew of no arrangement between the Carthage Greys and the mob to kill Smiths - It had been intimated to me that the mormons - I was. I saw these groops of men coming from towards Warsaw. I thought on the Warsaw road I do not know whether either of the Defts made pledges to the Gov. to protect Smith in custody. I know there were pledges made but as not know that Defts were present when I saw the men they were about 4 miles from they were coming rapidly

9.

[redacted]. Eli D. Walker

I was in Warsaw at the railroad
and at home on that day in Warsaw in
the morning left with the companies
for Golden Point - I think it so probable
I saw some of ~~defendants~~ Decks in Warsaw - I came
out with the companies to [Railroad Shantee] R.R.S. - The
troops were there disbanded I think Col.
W[redacted] read the order as well as I recallect
It would be impossible for me to tell
what I did hear that day ~~then~~ there was
a call for volunteers that I cannot recollect
about it - I do not recollect whether
I saw Grover or no - I saw Sharp
the re do not whether he made a speech
or no - Do not know whether a
Company started for Carthage
Most of the men were below the Shantee
when I left shooting at a mark
I heard going to Carthage was spoken of
Don't know by whom - Davis said
all that were in favor of going to
Warsaw and eating dinner at the tavern
to come on he was for the Warsaw dinner.
Th[redacted] was a difference of opinion in relations
to what they were coming to Carthage - I
heard some person say that he would
blow the jail to hell & do not know
who he was - I know what my reasons even
for not wanting to come to Carthage [redacted]
as not know other mens . I think
I heard Col. W[redacted] say something about volunteers
cannot say what it - I think I did not
hear anything about b— I think I did
(torn paper) Sharp say anything about b

9.

It was between 10 and 3 o'clock. Sharp & W[illegible] were on horse back - I do not recollect about seeing Grover - Do not know whether A[illegible] was on horseback - The last place I saw Davis was north of Marshfield going toward Warsaw alone
It was said publickly either by Col. W[illegible] or Captail Ware that those who were going to Carthage would advance one step in front Col. W[illegible] was on horseback and he might have been on foot too - Col. Williams was of some 50 to 100 feet from the men when the division took place. The Capt[illegible] was in front when the command to advance was given and I believe that Col. W[illegible] was in front to - I should think even between 40 and 200 when the order was given - thene were two companies present - Cannot say whether before the troops were disbanded, Col W[illegible] or Gen. Knox commanded. Col. W[illegible] read the disb[illegible]n order. Then even afterwards saw that those who would go to Carthage would fall in behind the music and march around - I do not know who made the remark about the jail. There was a good said about the mormons, but what it was I cannot recollect I did not hear Col. Williams raise any opposition to coming to Carthage -

[redacted] Thomas Dixon

On the day Joe Smith was killed I was in Carthage. I was not in all day. I came in about 10 - I am acquainted with D[redacted], S[redacted], W[redacted], A[redacted]. I am not with G[redacted]. I saw W[redacted] and S[redacted] that day it was shortly after I came in. I saw S[redacted] I heard him say nothing about the arrangements that were going on. I was at the Jail at the time Smith was killed. Was there before the firing commenced. I saw some men out west of here that look me to the jail - was about 1 to 1-1/2 miles from the men - When I got back I saw some persons pretty near the jaul. I met some youths who told me that the Mormons were coming to rescue the prisoners - There was a scuffle between the guard and the mob The guard all fired - The mob threw the guard on the ground - I saw a man with his arm bleeding. CDon't know how it was hurt. Don't know who he was — Cant tell whether the guard hurt mob or no. Should think from the scuffle that there were - I have lived in this county 10 or 11 years and know a good many of the Old Citizens - it might have [redacted] five or ten minutes after I got to the jail before the Greys got

[page torn] but I cannot tell

9.

(paper torn) Col. Williams as I poped [?] the guard [?]
he was not with the Greys. I did
not see any of the other Defds at that
time - I said nothing to Williams
I saw no man on the ground
that I recognized except the guard
until it was all over - I should
think there were 20 or 30 at the
jail - They went off west from
the jail. I think I did take particular
notice - I saw Smith come out of
the window Smith - Smith was
shot before he fell he raised himself
against the well curb drew up one
leg and stretched out the other and
died immediately. I saw nothing
of the light did not see the men
paralyzed and carried away and if it had
occurred, I certain I should have seen it.

Eliza Graham

On the night Smith was
killed, I was at the Warsaw house kept
by Mr. Fleming. F was not
at home he was in Boston
Adeline Garoute, Ashbel Genung
and Mrs. Fleming & several others were
there - Mr. Sharp came there, It
was not yet quite dark and
said that we have finished the

finished the leading men of the
Mormon Church. Said he had come
from Carthage in less than an
hour - About 12 o'clock Mr. They
came and said he wanted supper
for about 20 men - in a few minutes
He renewed the order for supper for
20 more - About 60 men eat
supper these [redacted] I saw
two wounded, one wounded in the
face the other in the arm. The
one wounded in the arm came
and set by the kitchen [redacted] stove
and Grover came with him - I
saw no drinking that night
I do not recollect seeing Mr. [redacted]
I did not see [redacted] at supper -
I did not see [redacted]. I saw
Davis & Grover at supper -
I knew a good many of the
people who were there -
while supper was getting, some
said he had and others said no
they had done it - Davis said
they had finished the men - Grover
I killed old Joe - They all said
they had killed the Smiths, made
no secret of it - they had
no arms that I saw - part
of them stood round part stood
guard and part went up stairs
to bed - most of them were
(paper torn) breakfast there was n [torn]

9.

17. (paper torn) many to breakfast as at
supper - Davis & Grover were
regular Boarders at that house
and were not there at supper time.
Davis and Grover were at the door
when they called for supper -
The wounded sat by the stove not
quite an hour - None came there
and talked to him - I know the
man who was wounded . He
was Williams Vorees. His
parents lived on Bear Creek and
I had seen him before -
I heard no person say how he
got wounded - I heard no person
say anything about it the next
morning. Do not know
how many stood guard —
They got to bed about 2 o'clock.
It was a general talk amongst
that crowd was about killing
Smith. I cannot say about any
any of them. I was in and
out - When Sharp came Mrs. F
met him in the hall and he
said he wanted 2 that he had
come from Carthage in less than
an hour and that we had finished
the head men of the morman
Church - Mrs Dearborn came
down when supper was nearly
ready - She helped me get supper

The other person wounded was a
youth about 14 or 15 years old.
Davis said that we had finished
the head men of the Mormons
Church - Grover and all the rest
talked in the same way.

Cross examined

I saw Sharp when he drove up.
James Gregg was with him
They were in an open buggy,
with a lung [?] and two seats in
it - Fleming's house is on the hill
Sharps house was right across
the street not right a little to
one side. 5 had _____ home
and came stright to the tavern.
I went to the dinning
room door. Mr. Mrs. F. went[
into the Hall - All 2 said
when they met was as stated
and nothing further was said.
No questions asked - I said
nothing to Mrs. Fleming or she to me.
I mentioned it to Mrs. Garast 2
I heard Sharp make threats
to kill the Smiths and the Mormons
---------- a great many times
and on that morning it was
only in the morning after - I
saw him when he started to Golden
Point. He was in a _____ horse

9.

(paper torn) know whose carriage
it is about 18 miles from Warsaw
to Carthage - Do not know what
was the condition of the roads
then had been a great deal of
reign
~~rain~~ about that time - It was
the same day that the Smiths were
killed that I saw ~~Sharp~~ start in the
carriage and the same evening
I saw him return in the same
carriage - About midnight Mr.
Davis & Mr. Grover came before
they came I had heard nothing
more about the killing of the
Smiths but what Sharps said
Davis & Grover were regular boarders
at Mr. Flemings - Grover breakfasted
there
~~then~~ that morning - Did not
see him after until he returned
at mid-night - Davis ~~stayed~~ I saw
at breakfast at Flemings & did
not see him after until midnight.
Davis said when he came in ~~and~~ we
have men
~~had~~ finished the ~~meal~~ - Grover
said I have killed old Joe -
We had not gone to bed when
they came. It was not convenient
for us to set up that late meal
after
~~as~~ the family had gone to ~~bed~~ bed.
It was 4 o'clock before I went
to bed - there was no preparation
made before they came - Some
came immediately into the dining

cannot tell who came in [dining room.] D. R.
D[illegible] & G[illegible] came into dining room. D. R. but did not
stay in until supper was ready.
Do not have many come into the
dining room. D. R. - I did not know a great
many of them - Cannot name any
who came into Dining room except
D[illegible] & G[illegible] - My attention was called
particularly to them D[illegible] & G[illegible] - I noticed
them particularly . I set the
table Mrs. F[illegible] cooked the supper - I had
no idea that they D[illegible] & G[illegible] would do
had no idea would DO so
but I noticed them D[illegible] & G[illegible] most - Genung [?]
Mrs. Dearborn were there - Genung [?]
went out when they came - I do
not know which arm Votees
was wounded in. He complained
very much of his arm no person
dressed his arm. The wounded
did not eat supper that I know
of - He was wounded in his shoulder.
Aunt asked him where he was wounded
said in the shoulder -
I am certain Grover breakfasted
there that morning - I saw
Davis & Grover the night before at
the supper table and they later
stayed there all night - I called
my words . I do not know that
I went to bed at 4 o'clock
Grover & Davis there do
whether they were

(paper torn)

(paper torn) even some when in
Grover is the only person
out of the half of sixty I heard say
they had killed Smith whose name
I can recollect - there was but a
very few persons at Fleming's
to supper at the usual time -
I am very certain Davis was not
there
~~[illegible]~~ at the regular supper time
and am equally certain he was ~~[illegible]~~ there
at breakfast - Davis said we
had finished the men don't know
who he was addressing himself
to at that time - I did not
hear Davis say that he had not
been to Carthage - I did not
know that the Smiths were
did except from what they said
there were
~~[illegible]~~ but at that time two
leading men ~~[illegible]~~ there was a ~~[illegible]~~
in the contest [?] but he was not
a leading man - I do not know
whether there was any light in the
Hall when ~~[illegible]~~ & ~~[illegible]~~ came in - Don't
recollect whether that night was
moon light or dark - The
youth was wounded on the cheek
Don't know on which cheek -
Heard him say he had been wounded
but he did not say by whom or
with what - Don't know
whether there were any troops
from Adams County or no - Don't
know that there was any alarm

in Warsaw that night. I did not seen into the yard at Warsaw and call on Mr. Key to protect me. I never was alarmed and if any person thought that I was allarmed they were mistaken - Mrs. Fleming went to Quincy on Friday night. We went on ~~alone~~ board after night we came back on the Tuesday following. I cannot recollect whether the night the Smith's were killed was dark or moon light. I never said I was in the Hall door - while at Quincy we boarded at Mrs. Dixon's and whilest at Quincy I denied that I knew anything about who killing the Smith's. I did not say in the presents of Reynolds & Warren that I did not know who killed the Smith's. I was not tell it fear being called as a witness while in Warsaw the reason why I did not admit that I knew was that I feared being called as a witness - I am a member ~~a~~ of the Mormon Church have been a member five years am not worried Benjamin Brackenbury

different hand-writing

On the day Joe Smith was killed, I was on the road between Warsaw & Carthage. I was in War~~s~~ that (paper torn) about 9 o'clock. They left I drove a baggage waggon

(paper torn) this wag[illegible] was attached to
even three. com. along
D[illegible], G[illegible] & the other from Green Plains
We got to R.R.S. between 11 & 12. We halted
there and eat dinner - I know Col. Williams
Saw him at R.R. I know A[illegible] and
saw him at R.R. - G[illegible] and D[illegible] were there
W[illegible] read an order to disband the troops
After dinner - I heard some [none ?] of Defts
make a speech W[illegible] was on horse
back ↑ sorrell mare - S was do
can't recollect what kind of horse
A[illegible] on horseback - D[illegible] & G[illegible] on foot
G[illegible] called for volunteers to go to Carthage
to see the Gov[illegible] what he dismissed the men
for with public arms in their
hands for - Did not hear anything
said about killing the Smith's-
Did not hear W or A or S call for vol
I saw none of Defts but G[illegible] until
we got half way home - then I saw
A[illegible] and S[illegible]p- They then left did not
see them any more until we turned
back - I was about 1/4 mile from
jail when Smith were killed after
I had stopped D[illegible] came up I don't
recollect who they were. They said
nothing to me G[illegible] said Smith
was a damed stout man he cough him

Don't know whether I saw W or not I saw D about half mile from Jail D there overtook them About 4 miles from here I saw A G W & S

O

he cough him Grover ~~then~~ and struck him twice
in the face - Grover said he was the
first man in the house. 1/2 mile
from there [??] W S & A ~~Williams Sharp & Aldrich~~ caught up with
us - I heard ~~some of defendants~~ of Defts but Grover
say anything about it - ~~Williams~~ Wells was in
the wagon at ~~time. Grover, Sharp and~~ time G spoke of it
Wills~~o~~n was wounded in the arm. Voorhes in
the shoulder & ~~Gallaher~~ Gallaher in the face.
I did not know that they ~~have~~ had any
other object in view until one of the
Carthage Greys brought us a letter and
then Burton told me they were
going to take the Smith's to
Missouri and hand hang [?] when
the troops from jail met us they
~~were~~ an a run two of the young
Chittendens turned the baggage wagon ba
back. I went to Warsaw that
night Got ~~in~~ there about 12 when
I ~~heard that~~ some of the men
had got in and some men
coming - Then even a good
many persons about Warsaw
House some 20 or 30 I did not
go in did not see ~~nothing of~~ either of
~~defendants~~ Defts afterwards ~~I~~ do not know
~~him~~ do know Gregg. I saw
him coming out & he ~~was~~ was the first
that brought the news to me
(paper torn) hear either ~~defendants~~ Defts say any
" Car. ~~Gregg~~ Greys knowing all
" R. R. I was near

Q

(paper torn) —— Did not hear
who ~~wanted~~ would go to Carthage
to step out — when the men 4 miles
from here left they went to the left
towards the point of lumber - never
heard either of ~~defendants~~ defts say that they
were going to kill Smith -
~~Cross Examine~~ C. E.
I heard no speech made ~~Williams Sharp Aldrich~~
~~been~~ were on horseback at R.R. crossing. This was before
I came to Carthage - The same passed
me on my way back and they ~~were~~ were
~~them~~ on horseback - I am not
right ~~sure~~ sure that they ~~were~~ were together but
but they ~~were~~ were in sight of each other
Grover was in my wagon when
they passed. I cannot recollect that
either of them spoke to ~~Grover~~ as that time
Grover stated that he wished to come to
Carthage to see the ~~Governor~~ about the publick
arms and ~~say to him that~~ said that he had given ~~him~~ bond
and security for them and was responsible
for them when the ~~Grays~~ Grays came up ——
I did not state before the Grand
Jury that Col. ~~Williams~~ was at the jail
all the time the men were there.
I did not state that Col. ~~Williams~~ made
from the jail past my ~~way~~ waggon.
I don't think that I stated before
the Grand Jury that Greggs name
was James Gregg - It was half
an hour after Gregg passed before
~~Sharp, Williams, and Aldrich~~ A + S + W passed perhaps it was
more

18. F. A. Worrell

Did not hear W[illiams] say anything about killing the Smiths. I saw Sharp here in the morning about 8'o'clock on the morning on the day Smiths were killed.

DEFENCE Defendants Witnesses

William Smith of Lathrop

I was on the Grand Jury at the last term of this court when the Indictments in this case were found on that occasion a Benj[amin] Brackenbury was examined the same who testified here on yesterday - on that occasion he stated that Col. W[illiams] was at the jail at the time that the Smiths were killed and that he road a dark sorrell or bay horse - on that occasion he stated in substance that Mr. Davis was driving one of the baggage waggons belonging to a Mr. Fuller and came up within a 1/4 or 1/2 mile of the jail and stopped and saw Col. W[illiams] on horseback at the jail - He was asked by some of the jury whether he was acquainted with Col. W[illiams]. Said he was. and knew it to be him and he said that he could not be mistaken. I think he stated out from the j[ail] passed him I think on his return to Warsaw took time [them?]

paper torn

Q.

paper torn

Joe & Hym[illegible] Tum Smith been had hold of them since the jail - I speak from a memorandum in writing and from memory - the evidence was taken down before the Grand Jury and contained a true statement of the evidence - These notes were taken away by McConnel - I can't say that I do recollect all Brackenbury's testimony before the G[illegible] J[illegible]. I can't say that his testimony before the Grand Jury and here about the entire occasion at the railroad was different - Can't say that he said anything about Elliott before the G. J. He said something about meeting a man by the name of Smith at the Chapman place as they came up he said that when they got within 4 miles from here - the men turned to the left - I think he stated before the Grand Jury, that a man came out who was said to be a Carthage Grey. He see Col. W[illegible] and Col. W[illegible] & Henry Stephens conversing with the Carthage Grey - I do not recollect what he said about Defts passing him on horseback going back - He said W[illegible] was on a dark sorrell or bay, he rather thought a sorrell - I do not recollect that what I stated about W[illegible] being at the jail on horseback was a matter of inference [?] of this B[illegible] - but think that B[illegible] statements were positive - I think B[illegible] state that some of the men came from the jail

9.

and got into his wagon - Grover, Wills
Voorhees and Gallaher - I do not distinctly
recollect that he said Chittenden told
him to put out the baggage and to turn
back - Do not know that it was Chittenden
Believe with the exception of his
statement about Williams at the Jail was pretty
much the same - He stated before the
Grand Jury that the Carthage Grey
was riding a iron grey
pony - I don't distinctly recollect
that he state before Grand Jury
what the Carthage Grey said when he
came up.

James Reynolds

I was on the Grand Jury at
the last time of this court - A
by the name of Benjamin Brackenberry
Brackenberry said that he saw
Williams was at the jail all the time
the transaction sitting on a horse -
Brackenberry stated that a person who
was said to be a Carthage Grey
and talked to Williams & H. Stevens and said to
that now was the time of
ing was done - Mr. McConnell
McConnell was
or the _____ as he told the Grand Jury

(paper torn)

(paper torn) called on me and said that he wanted to make out a testi[illegible] of witnesses never returned it.

Earkin Scott

I live 8-1/2 miles south of this on the Quincy Road - I know William M. Daniels --~~I hear him say~~-on the ~~night~~ nite after the Smiths were killed he came to my house about dark or after after ~~then~~ there were a good many people then I did not notice D~~aniels~~ until sometime afterwards. His company was ~~John~~ Pike and Derrick Fuller. After a short time I sa~~w~~id he was tired, I told him to go up stairs and go to bed. About 2 O'clock a considerable number of neighbors [?] gathered in obeying Gov. Ford's orders before they got it they ~~were seen~~ were fleeing towards Augusta - I went up stairs and wake up D~~aniels~~ told him Mr. Anderson was not yet gone and that they were going and that he had better get up and go with him. He did get up - We went to near Mr. And~~erson~~s house the doors were shut and we supposed they were gone - The first report which came ~~when~~ me was that they were Missourians who had killed the Smiths and I wondered in his presence if they were all Missourians he said

9.

they were not all Missourians. I knew all about it. I was in the Company and Frank Worrell the Captain of the Guard was hard to manage it took two or three men to hold him. That W[illegible] waved his sword and struggled very much. He said I am the man who took his sword out of his hand and threw it over the fence. I asked Daniels how he felt to see the act done he said it did not move him they [illegible] deserved it - He then commenced telling me some more, I stopped him and told him to keep that to himself and the conversation between us as it was [illegible] subject stopped

- He stated nothing about the light or the men being paralyzed.

Derrick Fuller

I reside about 6 miles south of this on the road to Quincy. I have seen Wm M. Daniels and have had conversation with him about killing the Smiths on the night the Smiths were killed he caught up with me about 1-1/2 miles from here on the road home. I do not know that I can tell all he said it was from

he told me there was a company of men came up to the jail, there was a ~~quarrel~~ guard then the guard fired on them that that they ~~armed~~ and the guard clinched that two or three had hold of Worrell that he ~~Daniels~~ came up and took hold of Worrells sword, struck him on the hand took his sword from him and threw it over the fence in the garden, and told us if we saw Worrell before he did to tell him ~~when~~ where his sword was - he told me nothing about this marvelous light - he did tell me about seeing Smith up against the well curb or so of the house, but said nothing about 4 men shooting him he said nothing about 4 men being paradyzed ~~or~~ and carried off.

John Pike

I know W. M. ~~Mr~~. Daniels, when I see him I heard him speak of the killing the Smiths I had started home the evening the Smiths were killed and before in Company with Mr. Fuller and had got up about the corner of Mrs Hawley Field when Mr.

looks like "cough" in notes

Daniels caught up with us & ~~He~~ went from there to Mr. Scott's on Bear Creek when he caught up with us the man was all of a bluster and appeared to be tired and I asked what was the matter what ~~was~~ had tired him. He said he was in the first section of the men who had jumped the fence at the jail that Worrell was a very stout man, that it took four of them to hold him down that they could not do it that he raised up and drew his sword, that he Daniels took hold of it and tried to swing it out his hand that W~~orrell~~ did not let it go and that he D~~aniels~~ struck him on his arm with his other hand and wacked it out of his hand and threw it across the street into the N.W. cor of the garden. ~~He said something~~ and told me and Mr. Fuller that if we saw Worrell before he did to tell him where his sword was - Said something about Davis taking his company and going to Warsaw and that they would ride him on a rail. He said something about a flash of light - Said nothing about there being four men carried away.

John ~~Carlyle~~ Carlisle

I have seen ~~Mr.~~ W. M. Daniels
I had some conversations about with him
about the killing the Smiths ~~and~~ on the
night the Smiths were killed I slept
with him that night - He told
me that orders came from Carthage
to Prentises Shanty [?] for the troops to disband and go home - and that the Smiths were dead that he came to Carthage to see if they were dead - he did not
~~see if the men did - did not~~
state to me that he was present
or not - Said that he heard at Prentises
Shanty [?] that Smiths were killed and
had come to Carthage to see - He
~~said~~ they were shot - I was never
at the Shanty in my life - I was [redacted]
in Carthage in the morning left
before noon hear ~~something~~ nothing about the
Smiths going to be killed in town.

Coleman Garrett Gorrell [?]

I live in Schuyler County
I know ~~Mr.~~ W. M. Daniels - I have known Daniels
heard ~~Daniels~~ say something about his being
a witness in this case he said he was

D.

getting pretty well paid for it. I asked him what he was doing he said he had quit coopering never expected to do any more hard work that he could make money easier - He said the Mormons were to give him $500 or $600 dollars at that time that they had paid him Some I got 50 cts which he said he had got from ~~him~~ - He said that they were to give him this for being ~~witness~~ evidence against these men. This conversation was in Quincy last ~~November~~ Winter. I have known Daniels two years - I was at Quincy marketing ~~but~~ he did not buy - I know a man by the name William ~~Gunnor~~ Gorhell [?] he ~~Daniels~~ told him that the Governor was to give him $300.

[Different handwriting]

Thomas L. English

I reside in Quincy - I am acquainted with William M. Daniels and have been since last July became acquainted with him in Quincy - I have had two or three conversations with him about his being a witness ~~vs defendants~~ vs Defts — The first ~~time~~ time I saw him at Quincy he said he came from ~~August~~ Augusta he told me he knew

Q.

nothing at all about the killing of the Smiths.
Said he wished all the Mormons in Illinois
were driven out that he was sorry
they ever came - He afterwards went to
Nauvoo and after he came back he told me
he had — he had made a great speculation
by writing a book about the proceedings
in Carthage. Why says I, you told me
you know nothing at all about it
Well, says he as long as I can make
a speculation I will and do you say
nothing about it he told me
he had got one hundred dollars in trade
which suited him as well as money
why says I, you are not intelligent
enough to write a book. Oh, says he, I
will tell you being a brother chap.
I will tell you I have a friends to help
me he said it suited him well
to enter such a business -
He told me some time afterwards
when we went a hunting that he
was to get $500 off to swear against some person
for killing the Smiths. He remembered mentioned
no names - he said he was not sure
he would take it but he believed he
would take the money put it in his
pocket and go off to the east and have [leave]?
them all he did not care about either
party I made the remark to him and
that he was getting into a curious business
if he did not know anything about it

D.

to take money to swear he said that if he had not known he could

Cross Examined

It was after the later part of August or 15th of September that he got $100 for writing a book.

George ~~Seabold~~ seybold

I live in Quincy. I am a cooper. I used to be acquainted with ~~Wm.~~ W.M. Daniels and worked in the same shop with him in Chapman's Shop. I had a conversation with Daniels about being a witness in this case - He told me he could make a speculation of $500. He gave me to understand that he could make that by being a witness in the case against the defendants.

D.

Charles Andrews

I reside in Quincy follow carriage painting - I am acquainted with Daniels ~~Than~~ have known him for 2 years - Daniels has said some things to me about being a witness against the men who killed the Smiths. He came to my house on the 5 or 6th. of July last. Said he was just from Nauvoo. He said he had seen Joe Smith & Hyram both killed. Said he had got some money from Emmy to hear his experiences. He then took a hand full ~~o~~out of his pocket. Sometime afterwards he told me he was offered $500 to go away - He asked me what I thought of it my answer was that I would devilish quick go - I asked him who offered it to him - I understood him by Bedell of Warsaw - He said he would stay - He said that he could get one thousand from them that will says I, suppose they kill you which I am afraid they kill you, which [?] says he my wife will get the money, its just as well I had no other conversation of any moment Daniels came to Quincy to see his mother in town I suppose -

George McLane

I live in Quincy. I follow coopering. I know Daniels - I never worked in the same shop with him - Daniels told me on the 27th July last the first time I ever saw him - I asked him if he was not a son of the old man Daniels. He said he was - Said that he knew nothing about the killing the Smiths that he was in Augusta and had remained there untill about the 27th July and then came to Quincy with the Governor after that about 2 months we got in conversation again he wanted to know why I worked so hard. Said there was no use in a man working when he could make plenty of money without work. Said that he had a prospect in view of making money without work and that he had received twenty dollars in a letter he did not tell me what his prospect was. I did not know Daniels before he went to Quincy - When I first saw him I asked him if he was a son of old man Daniels - He said arrived there on the night of the 26th July 1844. He spoke of making 4 or $500 by the speculation.

9.

Abraham L. Chittenden

I recollect the day the Smiths were killed - Saw Captain Grover that morning Grover eat breakfast at my son's - I saw James Gregg that day as he came in and spoke to him he was on horseback riding a light grey stud - I believe he was just from Carthage - I think he was alone. I know he was not riding in a two horse buggy with Mr. Sharp with him - It is ~~supposed to be~~ near 1/2 mile from my house to Flemings - Grover was at my son's for no other purpose than to get breakfast that I know of - he said that the Governor had not whipped us nicely the Smiths were dead - The sum was about half an hour high when Gregg passed me - I saw Sharp after candle ~~light~~ at Rockwells - I saw two men from the Governors that night.

E. A. Bedell

I live in Warsaw I was there on the 27th 1844. I saw Sharp ~~then~~ there in the evening He came in on horseback on a cream colored horse He stopped at the post office - I never made Daniels an offer of anything - I know nothing of express being sent to Quincy.

9.

John W. Wilson Williams

I was in Carthage on morning of the 27 June last - I saw Mr. Sharp here that morning immediately after breakfast - He was in company with Governor Ford in Gov~~ernor's~~ room at Hamilton's - this was before 8 o'clock I think it was previous to the Gov~~ernor~~ convening a council of officers to consider whether he would counter ~~second~~ mand the order given to march to Nauvoo at 8 o'clock that morning - I do not know whether Sharp was in town at the time of that counsel - there had been a very great excitement in the county between the two parties Sharp was talking to the Governor - trying to persuade the governor not to disband the troops but to march immediately to Nauvoo he did not give his reason why he wanted the ~~troops~~ Gov to march to Nauvoo - it was said that there were 600 or 700 troops here besides those at Warsaw.

E. W. Gould

I was in Warsaw on the 27th day of June last the day on which the Smiths were killed in the evening and night. I saw Mr. Sharp as he came into Warsaw that evening he was riding a dark bay horse. It might have been sorrell belonging to dead man. James Gregg or some person was (paper torn) horseback ——

O.

before he got to _____ I was
stopped at his own house about
50 yards from Fleming's. He did not
go on to Fleming's was not traveling
in a two horse buggy. I took the
horse myself. I think to the tavern
I got in about sun down. I am not
certain the sun was down - Sharp and Gregg
separated about 50 yards before they got
to Sharps house. Gregg turned off to
the north towards his own house or stable.
I saw him at his own window
a moment after. Saw him no more
that night - if Sharp & Gregg had come
to Felming's before dark in a
two horse buggy, I know I should
have seen them if they had come
after dark, I might not -
my house is immediately opposite
Fleming's - I was keeping a store in
my house there is two large doors in front
of my house which are kept open in summer
and were open that day all the day -
I remained about Fleming's tavern until about
11 o'clock that night, I went from there
on guard - Some men had arrived
there that evening and supper was
all over before I left - This was after
the regular - This extra supper commenced
about 9 o'clock it might have been
later but I think - I waited upon
the table Mr. Key and myself waited
upon the company - I did not

9.

see Captain Grover that night or
that day - I was at that time
well acquainted with G[illegible] - I think
he could not have eaten supper
without my noticing. -

Cross Examined

S[illegible] and [illegible] came in together, came in together
They came from the east - I did not see
or hear of - the company came
I should guess that there were from 40 to 60
men ate supper there that nite - I did
not Davis that night - Myself & Key [Fey ?]
waited on the table - I was in the kitchen
frequently during the night but did not
see a wounded man sitting by the store
with a quilt around him - I was not
in the house all the time before supper
was ready - I knew that the company
had been to Carthage or Golden's Point
I think I had got the impression they
had gone to Carthage - I have no recollection
to have seen either G[illegible] or D[illegible] that day
I think that either D[illegible] or G[illegible] at breakfast.
I breakfasted - I sometimes [illegible] lodged [?] at
------- his office. I do not know that
he ever lodged - the[illegible] an allarm [?] in
Warsaw that night - there was no allarm
action the next night that I know
of

9.

Mrs. Ann Fleming

I recollect the day on which the Smith's were ~~to~~ sed to have been killed. I was living in Warsaw & my husband was keeping tavern in Warsaw. I was at home all that evening and night - I was in my room when I first received the news of their death - I did not see Sharp or Gregg ride up to my door in a light horse buggy. I had no conversation with Sharp about the killing of the Smiths - I had no con conversation in my house with Sharp at all - I have no recollection of Gregg & Sharp coming into the hall and calling on me for ~~anything~~ 2 water [?] They Did not do so - I remember the circumstance of a number of men coming then and calling for supper I was at that time well acquainted with Captain Grover he boarded at my house - I did not see him among the number who ate supper then. that night - Grover did not bring a wounded man and ask your permission for him to sit by the fire - There was a wounded man there - I did see the wounded man when he first came into the kitchen - I do not recollect who came into the house with him - I do not recollect to have seen either Davis or Grover that night.

(Wed.?) see notes July 31, 1844, p.2] M.H. comment

Missouri Republican

CARTHAGE, ILLINOIS, July 27th, 1844.

omission here →

At the last main term of our court, Smith was indicted for adultery and perjury but no writs ever issued on these bills. Why? Read and judge! The Clerk and Sheriff are brothers; the latter married to a niece of the Prophet, and both we term "Jack Mormons;" that is, a class of men who adhere to the Mormons for the sake of votes and lucre- a class more to be despised and feared that the Mormons themselves. A new election was approaching- the Sheriff was a candidate for re-election and the Clerk for a seat in the Legislature- if writs had been issued in these casesiit might have displeased his Holiness, and have materially interfered with the political prospects of these two worthy officers.

It has been said that, after the August election, the Mormons would have complete control of the administration of our Circuit Court. A few words will explain how this is. The County Commissioner's Court, which selects the jurors, both grand and petit, consists of three persons, one of whom is chosen annually, and holds his office for three years. Two years ago the Mormons elected a "jack" to that office, and last year a full blooded Mormon. The Court then stood in favor of the Mormons; but some conduct of theirs having dissatisfied the jack commissioner, he was induced last court to throw his influence against the Mormons, which accounts for the fact that the grand jury was chosen in favor of enfording the laws against Smith. On the first Monday in August is our general election, when the only anti-Mormon commissioner goes out. It is probable that he will be succeeded by a Mormon, and would most certainly if the Prophet were alive to direct by revelation. They can elect their sherfff and all other officers with the same ease. How then, will the thing work? The Mormons, through the Commissioners, select the grand jurors in the first instance. If this fails to

screen them, they have another chance in selecting the petit jury. If exceptions are taken to these, they still have a sheriff in their interest to complete the pannel to their satisfaction. With one sworn friend on the jury, Smith would be safe- but any one can see how easy it would be, not only to get one, but a majority. This would be a dangerous power, even in the hands of an honest man-how does it look in the hands of one who set his will above all law, and boldly arrayed himself against the world? With a jury of chosen friends, taught to regard his will as the will of heaven, his acquittal on any charge would be certain. One thing must not be forgotten: by our laws, in criminal prosecutions, the venue cannot be changed without the consent of the accused. I say then, and let any one dispute it who can, that the coming election would have placed Joe Smith beyond the possibility of an indictment- and that even now, if alive, and to stand his trial to-morrow, the stern integrity of the court, the most positive evidence of guilt, and the strongest sanction of law-all combined, would fail of conviction before a Mormon jury.

Very respectfully, yours.

P.S. Since writing the above, I have seen in your paper of the 25th, an article singed "Fair Play," assailing my communication of the 15th with some bitterness. I stated, at the close of that communication, that it was my purpose to present facts, from which your readers might judge of the merits of the case; and in doing this, I certainly hope to advance the cause of truth and justice. To such as are determined to judge the old citizens of Hancock by an arbitrary standard of right and wrong, I have nothing to say. If the whole world were made up of such I should hold my peace; but if there are any (and I believe there are many) willing to investigate the case, and judge it with some reference to its own peculiar circunstances, I would bespeak their kind attention, and after a patient hearing, cheerfully acquiesce in their judgment.

Missouri Republican
Sept. 28, 1844, p.2

M. H. handwriting

See notes for day Saturday?

The Mormon War- We learn by the officers and passengers of the steamer Osprey, that Gov. Ford and his troops have reached Carthage. The purpose of the Governor in ordering out the troops seems to be a determination to bring the murder of JOE and HYRUM SMITH to trial. The troops are under the command of Gen. J.J. HARDIN, subject, of course, to the direction of the Governor. The reason assigned by the Governor's friends for ordering out the troops in the first instance was a "wolf hunt," advertised by a portion of the people in Hancock county, to come off on the 26th and 27th instant. This hunt, it was believed by the Governor, was a pretext to get the people assembled, aroused, and then to make an attack upon the Mormons at Nauvoo, or some other Mormon settlement. From all we can learn, we suppose the wolf hunt was abandoned after the orders of the Governor were issued.

The Governor was at Carthage. Writs were issued and placed in the hands of the Sheriff for the arrest of Thomas C. Sharp, editor of the Warsaw Signal, and for Col. Williams of the same place, both charged with participating in the murder of Smith. The Sheriff came to Warsaw and attempted to arrest Sharp, but he refused to surrender himself, and in this resoltuion was sustained by the people of Warsaw. The Sheriff returned and reported this inability to arrest him, when three hundred of the troops were ordered to march to Warsaw. The troops had not arrived at Warsaw before the Osprey left, but Sharp and Williams had escaped to the Missouri side of the river, and, we presume will not be taken. A gentleman has furnished the following in manuscript, which appears to be a copy of an address from Sharp, and intended for his paper. His admission of participating, so far as to exasperate others to the commission of the murder, are explicit; and, it seems to us would at least make him an accessory. He also seems to admit that he was with the crowd. The Governor will have to move very promptly if he expects to capture any of the participators in that affair. . . .

THOMAS C. SHARP

Just as our paper was going to press this morning, a man came into our office, and said that he had a writ for me. Well, sir, let me see it. He produced the paper, which proved to be a warrant for the murder of Joe and Hyrum Smith, issued by Aaron Johnson, Justice of the Peace in Nauvoo. After reading, I told the officer that if my friends said go, I would go, if not, I would stand fast. Accordingly I went out, and conversed with the citizens, and unanimously they said don't go. I then told the officer that he could return and report progress, but I could not go with him, for I had no security for my safety; and, moreover, I was not to be singled out as the sole object of Mormon vengeance. Now, gentle reader, I did not help to kill Joe Smith, for I did not go to the jail, with those who killed him. If my influence helped to produce the state of feeling that resulted in his death, why I am, in common with some hundred others, guilty-not of murder, but of an extra judicial execution. I have the most satisfactory proof that Joe Smith threatened my life, and sought to take it; if I had, therefore, killed him I should only have acted in self-defence. The writ only included Col. Williams and my self. Thus it will appear that it is not the guilty, but those most obnoxious to the Latter Day Saints, who are to be selected as victims. The officer, who is deputy Sheriff, says that his orders are to arrest and return the prisoners to the Sheriff, in Carthage, from thence I suppose I am to be taken to Nauvoo; but I will not go to Nauvoo unless my fellow citizens say so. I did not resist the officer, but my friends advised me not to go, and the officer did not call on any of the citizens to aid him in taking me, after I told him I would not go, he troubled me no further.

Fellow-citizens, shall we submit?

THOMAS C. SHARP

Missouri Republican
Sept. 29, 1844, p. 2

Saint Louis

Correspondence of the Republican

Warsaw, Sept. 22, 1844

Gentlemen:- During our recent troubles with the Mormons, several independent companies were organized in this county, and for the purpose of keeping up a proper military spirit among the several companies, it was thought advisable to hold a military muster or encampment on the 27th inst., and accordingly the following circular was issued on the 7th inst.

"A military encampment will be held in Warsaw, commencing the 27th inst., and ending the 2nd day of October next. It is expected that all the Independent companies in Hancock, and several from the adjoining counties in Illinois, will be present.

"You are respectfully invited to attend, with the forces under your command. All are requested to be on the ground early, on the 27th, provided with necessary equipage, and one week's provision.

Respectfully yours,

Col. LEVI WILLIAMS,
Maj. M. ALDRICH,
Adj't. H. STEPHENS,
Capt. H.P. CRAWFORD
Capt. J.C. DAVIS,
Capt. R.F. SMITH,
Capt. DUNN,
Capt. G.W. THATCHER,
Capt. W.N. GROVER,
Lieut. C.C. STEPHENS

Sept. 7th, 1844."

The foregoing is a true and correct copy of the circular sent to the commanding officers of the several companies in this county. Below I give an article predicated upon the above circular, which appeared in the State Register of the 20th inst., to wit:

"We learn that his Excellency Gov. Ford, has called out 2500 of the militia of the State, in consequence of the reception of information here, that the Anti-Mormon party of Hancock county had issued handbills for the assembly of a military meeting at Warsaw, on the 27th of this month. We learn also, that this

handbill requests the presence of the people of Missiouri on that day, armed, etc. We trust no good citizen of Missouri will enter this State with any hostile purpose towards any of its citizens; and we trust no citizen of our own State will violate the laws, by an armed attack upon the constituted authorities. Such hostile attack is Treason, by the general laws of the country; and conviction under the laws, subjects the guilty to the punishment of death. Under the circumstances we feel confident the militia of the State will promptly respond to the call of the Executive for the preservation of the public peace, and to prevent the violation of the constitution and laws of the State. We live in a land where the laws must be supported by the people themselves; for they are enaced only by their consent and approbation. The great experiment, whether man can govern himself without the intervention of a King, it is the duty of every patriot to sustain; and we feel confident no American freeman will stand idle to such an emergency, when called upon by the legally constituted authorities, to take part on the side of the laws and institutions of his country."

I have given the whole of this article for the purpose that your readers and the public may have a full knowledge of the facts, and decide the issue made up by the State Register between the Governor and the poeple of Warsaw. The circular speaks for itself-it expresses just what was contemplated, nothing more-a military encampment, and I presume some two or three hundred persons will be in attendance, perform camp duty, drill three or four days, and then quietly return to their homes, without molesting any person whatever. The idea of a few hundred citizens attacking Nauvoo, is perfectly ridiculous, and no man but Gov. FORD is silly enough to believe this, and he, before his celebrated retreat from Nauvoo, would not have believed it, but since that time he does not appear to be himself.

The editors of the State Register misrepresent when they say, "that this handbill requests the presence of the people of Missouri, on that day, armed, etc." For this, however, I shall not hold them responsible, 'tis their vocation. A circular would

have been issued to-morrow morning, announcing the indefinite postponement of the encampment, in consequence of the sickness of many of our citizens, and the busy season of the year with the farmers, but after receiving the State Register this evening, the resolution to hold the encampment was adhered to, notwithstanding the terrible and mighty force to be brought against us, and led on by that valorous chief, General Deming, for doing what the constitution of the United States declares we may do-to keep and bear arms-and we mean to do this always. The Mormons "keep up a continual training," and we intend to do the same. We have rights and privileges, and we do not intend to permit them to be infringed or trampled upon, even by Governors. Last year a three days encampment was held at Carthage, and this year the Mormons have been under arms week after week, and month after month; their city under martial law, and yet we have not heard one word about the "Illinois militia," "treason" against "the constituted authorities," etc. We here understand this perfectly well. The editors of the State Register and the Governor wanted votes, and they want votes agin in November, and they knew that their old allies, the Mormons, had declared that they would not vote on the Presidential question, hence the necessity to seize upon something to accomplish this object. A conflict may take place, and if so the Governor may have the credit of bringing it about. The people fee indignant at the insult offered to them by this movement of the Executive, and by his efforts to throw odium upon them and thumb screw himself from censure. The encampment will be held, and no one must interpose or attempt to molest the person of a single citizen who may be present on that occasion.

I have this moment learned that two hundred troops from Quincy have taken up their line of march for Nauvoo, and also that the McDonough troops are ordered to rendezvous at the holy city, forwith. Very respectfully, H.S.

Monday, Sept. 23, 1844.

Letters from Carthage, to-day, bring the intelligence that Gov. FORD, with the Sangamon and Morgan troops are on their way to this county. The Qunicy troops will reach Nauvoo on Wednesday, the 25th; on Friday they will learn that they have been hoaxed by the Governor, and most probably will return immediately, or join us in our encampment at this place. The McDonough troops say they will obey the call of the Governor, and turn out, but if the Governor has any design against the old citizens of the county, he will at the proper time find them ready, and prepared to stand by their old friends and neighbors. This movement may bring about serious results, but we hope and think not. My own opinion is that it will prove a most ridiculous farce.

Very respectfully, H.S.

Missouri Republican
Tuesday, May 27, 1845

St. Louis

Correspondence of the Missouri Republican

THE MORMON TRIALS

CARTHAGE, ILL., May 21.

To day, according to adjournment, from Monday last, the Circuit Court of Hancock county, commenced the trial of the persons indicted for the murder of JOE and HURUM SMITH, in June last; the circumstances of which are, no doubt, familiar to your readers. The individuals indicted consist of J.C. DAVIS, late Senator from this county, T.C. SHARP, editor of the WARSAW Signal, MARK ALDRICH, WM. N. GROVER, and Col. LEVI WILLIAMS; three others were indicted, but have not made their appearance for trial, and it is understood, have left the State. For the prosecution, JOSIAH G. LAMBORN appears, and it is understood, by the authority of Gov. FORD. On the part of the defence, a considerable array of legal talent is displayed. Col. WM. H. RICHARDSON, Speaker of the last House of Representatives, O.H. BROWNING, A. WILLIAMS and C.A. WARREN, of Quincy, being employed in their behalf.

Upon the opening of the court to-day, and before swearing the jury, affidavits were read from the prisoners, in which they declared their want of confidence in the County Commissioners who selected the jury, and the Sheriff and his deputies who summoned it-that they were partial, and had slected such a jury as they (the defendants) would be fearful of going to trial with; and praying the court to set aside the array, and appoint Elisors to to select a fair and impartial jury.

After hearing argument on both sides of the question, Judge YOUNG decided that good can-did exist for quashing the array, as set forth in the affidavits, and accordingly ordered it to be done, and Elisors appointed to select a new jury. This decision is considered a great victory by the defendants, inasmuch as it takes

the power out of the hands of the present officers of the county, (who are all Mormons, or what is called "Jacks") of selecting a jury to suit their own purposes, it will also be used as a precedent by the Anti-Mormons hereafter, to quash the Mormon juries that may be summoned, and will tend considerably to curb the Mormon power of controlling the courts of the county.

At 2 o'clock on Thursday, the Elisors reported a new jury, and after exhausting the entire panel, but five were found competent to serve; a new panel was ordered, and but two were obtained.

The court then adjourned until Friday morning, when the formation of the jury will be continued, though it is not probable that the panel will be complete before Saturday, and the examination of witnesses will probably not commence until Monday, and the trial will consume the whole week if it is then finished.

Everything thus far has been entirely quiet and peaceable, yet there is a deep and intense anxiety felt, which pervades all classes-the characters of the accused, the nature of the charge against them, and the peculiar state of the relations existing between the Mormons and Anti-Mormons, all conspire to make the present trials of deep interest to the old citizens of this county. Everybody almost attending court comes armed to the teeth, and frequently, muskets and rifles will be seen taken out of wagons with as much deliberation as if they were attending a militia muster instead of attending a court of justice. This is a bad state of things, but extraordinary cases demand extraordinary remedies.

The Mormons are said to have expressed a determination to take revenge, in case the defendants should not be convicted, but it is hoped that more discreet counsels will prevail. Some of the more violent have been advising them to attend court in a body, and being prepared to influence things there, but fortunately they have not appeared as numerous as was anticipated.

Missouri Republican
Friday, Sept. 26, 1845, p.2

St. Louis

Meeting at Quincy

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During the meeting, some of the leading men of Adams county made speeches, with one exception, in favor of, and sympathizing with, the anti-Mormons. Judge RALSTON was the first to speak, and expressed great sympathy for the Mormons whose dwellings had been burned, but none for the anti-Mormons whose property had been stolen and destroyed. /C.A. WARREN followed him, and from him it is said that the old citizens of Hancock received full justice. He advocted the proposition, that a committee of one thousand from Adams county should visit Hancock, and bring the Mormons to terms.

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BACKENSTOS' proclamation embodies a ridiculous correspondence between him and Col. WILLIAMS, in which the latter was required to deliver himself, and others of the "mobbers," up, to be dealt with according to law-and to surrender the State ordinance and gunds into his hands. Col. WILLIAMS declined any communication, saying that if BACKENSTOS were worthy of the notice of a gentleman, he would meet him on any field!

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